Chapter 671 SEWERS AND SEWAGE DISPOSAL*

*Cross reference(s)--Disposal of matter from privies, § 391-116; streets, sidewalks and public ways, ch. 431; buildings and construction, ch. 536; environmental public nuisances, ch. 575; garbage, trash and refuse, ch. 601; public rights-of-way, ch. 645.

ARTICLE I. IN GENERAL

Sec. 671-1. Purpose and policy.

This chapter sets forth uniform requirements for discharges into, the construction of and additions to the City of Indianapolis wastewater collection and treatment system. These requirements enable the city to protect public health, ensure a sound sewer infrastructure system in the future, and comply with all applicable local, state and federal laws relating thereto.

The objectives of this chapter are:

(1) To prevent the introduction of pollutants into the city wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;

(2) To prevent the introduction of pollutants into the city wastewater system which do not receive adequate treatment in the POTW and which will pass through the system into receiving waters or the atmosphere;

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;

(4) To prevent the introduction of infiltration and inflow into the wastewater collection system which will occupy capacity reserved for community growth;

(5) To discourage the construction of new sanitary sewers that do not accommodate future growth and lack the quality expected of the city's infrastructure;

(6) To discourage the construction of privately owned sanitary sewers; and

(7) To disallow the issuance of sanitary sewer connection permits for gravity service to buildings with inadequate elevation.

This chapter provides for the regulation of discharges into the city's wastewater system through the issuance of industrial discharge and building permits, the execution of special agreements, and the enforcement of administrative regulations.

In furtherance of these objectives, this chapter details the general regulation of discharges to public sewers; the issuance of connecting permits for building sewers; the inspection of building sewers; the issuance of construction permits for sewer expansions; the issuance of discharge permits for industrial users of the system; the establishment of a system of rates, charges and billings for the use of the system; and regulations for private disposal facilities.

(G.O. 27, 1991, § 1)

Sec. 671-2. Definitions.

As used in this chapter the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise:

ASTM shall mean the American Society for Testing and Materials.

Accidental discharge shall mean an unintentional release of a material that could potentially violate the requirements of section 671-4(c), (d) or (e).

Act shall mean the Federal Water Pollution Control Act, as amended as of January 1, 1995, 33 USC 1251 et seq., also known as the Clean Water Act or CWA.

Administrator shall mean the Regional Administrator of Region V, U.S. Environmental Protection Agency or Commissioner of the Indiana Department of Environmental Management or its successor, provided such state agency has a pretreatment program approved by the EPA.

Applicable pretreatment standard shall mean, for any specified pollutant, the city's prohibitive discharge standards, the city's specific limitations on discharges, the State of Indiana pretreatment standards, or the federal general or categorical pretreatment standards (when effective), whichever standard is most stringent.

Approval authority shall mean the administrator.

Authorized representative of industrial user shall be:

(1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer shall mean:

a. A president, vice-president, treasurer or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or

b. A manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million

dollars ($25,000,000.00) (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.

(2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.

(3) For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

(4) An individual duly authorized by the person designated in subsection (1), (2) or (3) above, provided:

a. The authorization is made in writing by the individual described in subsection (1), (2) or (3) above;

b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and

c. The written authorization is submitted to the city.

Board shall mean the board of public works.

BOD (denoting biochemical oxygen demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter.

Building drain shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

Categorical pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act which apply to a specific category of industrial user.

City shall mean the consolidated City of Indianapolis, Indiana.

City sewer shall mean a sewer owned and operated by the city.

Combined sewer shall mean a sewer receiving both surface runoff and sewage.

Composite sample shall mean a twenty-four-hour composite sample. Samples may be done either manually or automatically, and continuously or discretely, with not less than twelve (12) samples to be composited.

Cooling water shall mean the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

Council shall mean the city-county council of Indianapolis, Marion County, Indiana.

Department shall mean department of public works, City of Indianapolis.

Direct discharge shall mean the discharge of treated or untreated wastewater directly to the surface waters of the State of Indiana.

Director shall mean the director of the department of public works or his/her authorized deputy, agent or representative.

Discharge report shall mean any report required of an industrial user by section B.2. of the industrial discharge permit.

Domestic wastewater shall mean wastewater of the type commonly introduced into a POTW by residential users.

EPA shall mean the U.S. Environmental Protection Agency, or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of such agency.

Foundation drains shall mean any network of pipes, pumps or drainage mechanism located at, near or under a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

Garbage shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

General pretreatment regulations shall mean "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 CFR Part 403.

Grab sample shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

Heat pump discharge shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

Indirect discharge shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC § 1317) into the POTW (including holding tank waste discharged into the system).

Industrial surveillance section shall mean the industrial surveillance section of the department of public works.

Industrial user shall mean any user of the POTW who discharges, causes or permits the discharge of nondomestic wastewater into the POTW.
Industrial wastewater shall mean a combination of liquid and water-carried waste discharged from any industrial user's establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.
Infiltration shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, connections and manholes or from drainage pipes constructed to remove groundwater from areas such as building foundations and farm fields.
Inflow shall mean the stormwater and surface water entering directly into sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins or stormwater inlets.
Interference shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
Lift station shall mean any arrangement of pumps, valves and controls that lifts wastewater to a higher elevation.
NH3-N (denoting ammonia nitrogen) shall mean all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium NH+4 NH3 + H+.
Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
New source shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
(1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
(3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.
Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.
Construction of a new source has commenced if the owner or operator has:
(1) Begun or caused to begin as part of a continuous on-site construction program:
a. Any placement, assembly or installation of facilities or equipment; or
b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
Nonindustrial user shall mean all users of the POTW not included in the definition of "industrial user."
Pass-through shall mean a discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation.)
Person shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency including, but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof, or any other legal entity or any combination of such.
pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
Pollutant shall mean, but is not limited to, any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical materials, chemical wastes, biological materials, radioactive

materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water.
Pollution shall mean the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.
POTW shall mean all publicly owned facilities for collecting, pumping, treating and disposing of wastewater, including sewers, lift stations, manhole stations and the wastewater treatment plants.
Pretreatment or treatment shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).
Pretreatment standard or regulation shall mean any substantive or procedural requirement related to pretreatment contained in this chapter.
Process wastewater means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.
Properly shredded garbage shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.
Public sewer shall mean any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and which is controlled by public authority.
Radioactive material means any material (solid, liquid or gas) which spontaneously emits ionizing radiation and which is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana State Board of Health. This may include naturally occurring radioactive material, by-product material, accelerator produced material, source material or special nuclear material.
Sanitary district shall mean that area incorporated into the Marion County liquid waste sanitary district.
Sanitary sewer shall mean a sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.
Sewage normally discharged by a residence shall mean the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month, and thirty-five (35) pounds of suspended solids per month.
Sewer shall mean a pipe or conduit for carrying sewage.
Sewer work shall mean the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.
Shall is mandatory; may is permissive.
Significant industrial user (SIU) shall mean any industrial user which is:
(1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
(2) A noncategorical facility with a process wastewater discharge greater than an average of twenty-five thousand (25,000) gallons per day;
(3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal or for violating any pretreatment standard or requirement; or
(4) Any other industrial user deemed to be significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
(5) Any other industrial user which contributes process wastewater which makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the POTW treatment plant.
Upon a finding that an industrial user meeting the criteria of paragraphs (2), (3), (4) and (5) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user.
Slug shall mean any discharge of wastewater which, in concentrations of any given constituent, as measured by a grab sample, exceeds more than five (5) times the allowable discharge limits as specified in this chapter and/or in quantity of flow exceeds more than five (5) times the user's average flow rate as authorized in the user's industrial discharge permit, for a period of duration longer than fifteen (15) minutes.
State shall mean the State of Indiana.
Storm drain or storm sewer shall mean a sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.
Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Suspended solids (SS) shall mean solids that either float on the surface of or are in suspension in water, sewage or other liquids and which are removable by laboratory filtering.
Toxic pollutant shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA §§ 307(a) or 405(d) or other acts.
Upset shall mean an exceptional incident in an industrial user's facility, in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
User shall mean any person who contributes, causes or permits the contribution of wastewater into the city's POTW.
Wastewater shall mean a combination of the liquid and water-carried pollutants from residences, commercial businesses, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.
Wastewater treatment plant shall mean any arrangement of devices and structures used for treating wastewater.
Wastewater works shall mean all facilities for collecting, pumping, treating and disposing of wastewater.
Watercourse shall mean a channel in which a flow of water occurs, either continuously or intermittently.

Abbreviations. The following abbreviations shall have the designated meanings:

BOD or BOD5:	Biochemical oxygen demand
CFR:	Code of Federal Regulations (July 1, 1994 edition)
COD:	Chemical oxygen demand
CWA:	Clean Water Act
EPA:	United States Environmental Protection Agency
G.O.:	General Ordinance
IC:	Indiana Code
IAC:	Indiana Administrative Code (as amended as of December 1, 1994)
IDEM:	Indiana Department of Environmental Management
ISBH:	Indiana State Board of Health
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
POTW:	Publicly owned treatment works
SIC:	Standard industrial classification
SS:	Suspended solids
SWDA:	Solid Waste Disposal Act, 42 USC § 6901 et seq.
TSS:	Total suspended solids
40 CFR 136:	"Guidelines Establishing Test Procedures for the Analyses of Pollutants"

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)
Cross reference(s)--Definitions generally, ch. 102.

Sec. 671-3. Unlawful disposal of wastes.

(a) It shall be unlawful to discharge to any natural outlet or watercourse within the city any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with the laws of the United States, the State of Indiana and the city.

(b) Except where a valid NPDES permit exists, the owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the city and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a city sewer, is hereby required at his/her expense to connect such facilities directly with the proper city sewer in accordance with the provisions of this chapter within ninety (90) days after the day of official notice to do so, provided that such city sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-4. Regulation of discharges to public sewers.

(a) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer.

(b) Stormwater and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application as provided in section 671-41.

(c) No person shall discharge or cause to be discharged to any city sewer wastewater or pollutants which cause, threaten to cause or are capable of causing, either alone or by interaction with other substances:

(1) Fire or explosion hazard;

(2) Corrosive structural damage to the POTW but in no case water with a pH lower than 5.0 or higher than 12.0;

(3) Obstruction to the flow in city sewers or other interference with the proper operation of the POTW;

(4) An interference;

(5) A pass-through.

(d) No person shall discharge or cause to be discharged to any city sewer:

(1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;

(2) Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60) degrees centigrade (one hundred forty (140) degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees centigrade (one hundred four (104) degrees Fahrenheit);

(3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed applicable categorical pretreatment standards;

(4) A wastewater with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the wastewater treatment plant. At no time shall a discharge cause a reading on a meter capable of reading L.E.L. (lower explosive limit) to be greater than ten (10) percent at the point of discharge to the POTW or at any point in the POTW;

(5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;

(7) Any substance which may cause the POTW's effluent or any other product of the wastewater works such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act;
(8) Any substance which will cause the POTW to violate its NPDES permit or the receiving stream's water quality standards;
(9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks and vegetable tanning solutions;
(10) Any wastewater containing radioactive material above limits contained in regulations, licenses or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, state or federal requirements;
(11) Any wastewater containing a total petroleum hydrocarbons concentration as determined by a procedure deemed appropriate by the director in excess of two hundred (200) mg/l. This limitation shall apply at the point of discharge to the city sewer system and is the maximum concentration allowed in any single grab sample collected from the waste stream;
(12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present in the normal wastewater discharge and do not otherwise violate any section of this chapter or the conditions of an industrial discharge permit or a special agreement; and
(13) Polychlorinated biphenyls (PCBs) in any detectable concentrations.
(e) No person shall discharge or cause to be discharged a wastewater which has a twenty-four-hour composite value in excess of the values shown on table 1.
TABLE 1

NONCATEGORICAL DISCHARGE LIMITS

Pollutant	**Maximum Allowable Concentration 24-Hour Composite Sample Value (mg/l)**
Arsenic	4.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Lead	4.7
Nickel	7.3
Phenol	46.0
Pentachlorophenol	0.012
Zinc	38.0
Mercury	0.025
Silver	4.2

(f) The limitations set forth in table 1 above apply at the point of discharge to the city sewer system. The limitations for amenable cyanide, total cyanide and phenols apply to twenty-four-hour composite samples only in those cases where the composite sample is preserved according to EPA approved methods prior to collection. Otherwise, the values set forth for amenable cyanide, total cyanide and phenols or, with the

approval of the director, any other listed pollutants shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general. The limitations and requirements imposed in subsections (c) and (d) of this section shall apply at the point of discharge to the city sewer unless specified otherwise.

(g) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the department of fire prevention and building services and shall be reviewed and approved by the department of public works prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the director may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(h) No user shall change substantially the character or volume of pollutants discharged to the POTW without prior written notification to the city.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1; G.O. 177, 1996, § 1)

Sec. 671-5. Modification of federal categorical pretreatment standards.

When the city demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, the city may apply to the administrator of the EPA, or the state if it has an approved pretreatment program, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by the city's wastewater treatment system.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-6. State and federal requirements.

Federal categorical pretreatment standards or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this chapter. To the extent the federal regulations contain stricter standards, the categorical pretreatment standards, found in 40 CFR Chapter I, Subchapter N, Parts 405--471, are hereby incorporated by reference into this chapter. To the extent the state regulations contain stricter standards, the pretreatment standards found in 327 IAC 5-12-6 are hereby incorporated by reference into this chapter.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-7. City's right of revision.

The city reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater system than those in this chapter if deemed necessary to comply with the objectives presented in section 671-1 of this chapter or to comply with federal or state laws.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-8. Baseline report.

Within one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW will be required to submit to the director a report containing the following information as required by 40 CFR 403.12(b):

(1) Identifying information. The user shall submit the name and address of the facility, including the name of the operator and owners.

(2) Permits. A list of any environmental control permits held by or for the facility.

(3) Description of operations. User shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater works from the regulated processes.

(4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

a. Regulated process streams; and

b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of pollutants. The pretreatment standards applicable to each regulated process and concentration and nature (or mass) as measured according to 40 CFR 403.12(b)(5).

(6) Report of compliance. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis. If not, then the report shall state what operation and maintenance and/or pretreatment is necessary to bring the user into compliance and the shortest schedule by which the user will provide such additional operation and maintenance and/or pretreatment, provided that the completion date shall not be later than the compliance date established for the applicable categorical pretreatment standard. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer licensed in the State of Indiana.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-9. Excessive discharge.
No industrial user shall ever increase the use of process water or other flows to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment standards or in any other pollutant-specific limitation developed by the city or state.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-10. Accidental discharge.
(a) Each industrial user shall provide protection from accidental discharge of substances regulated by this chapter. Facilities to prevent accidental discharge shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be available to the city for review. All existing industrial users shall complete such a plan within six (6) months after the effective date of this chapter. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures are available. Such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this chapter.
(b) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the director of the incident. The notification shall include:
(1) Name of company;
(2) Location of discharge;
(3) Type of waste discharged;
(4) Concentration and volume of waste discharged;
(5) Corrective actions taken to minimize the impact of the discharge to the POTW.
(c) The industrial user shall notify the city if it is unable to comply with any requirement of this chapter because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in subsection (b) above.
(d) Within five (5) working days, unless extended by the director in writing, the industrial user shall submit to the director a detailed written report describing the accidental discharge, including:
(1) The cause of the accidental discharge;
(2) The period of the accidental discharge, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
(3) Steps being taken and/or planned to reduce, eliminate or prevent recurrence of the accidental discharge.
(e) Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater works or aquatic life, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.
(f) An affirmative defense of upset may be available to an industrial user in an enforcement proceeding. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:
(1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
(3) The industrial user has submitted to the city the information required in subsections (c) and (d) above;
(4) The industrial user complied with any reasonable remedial measures to minimize or prevent any discharge or sludge use or disposal in violation of this chapter which has a reasonable likelihood of adversely affecting human health or the environment.
Any upset defense is only available for violations of categorical pretreatment standards or technology-based permit effluent limitations.

(g) A notice shall be permanently posted on the user's bulletin board or other prominent place advising affected employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-11. Liability for damage.
If any person discharges or causes to be discharged a waste which causes interference, pass-through, obstruction, damage or any other impairment to the POTW, the director may assess a charge against such person for:
(1) The work required to clean or repair the POTW;
(2) Any civil penalty, fine or cost of compliance with injunctions or other orders of a court or governmental authority imposed against the city as a result of such interference, obstruction, damage or impairment; and
(3) All other costs incurred by the city as a result of such interference, pass through, obstruction, damage or impairment including but not limited to expert, consultant and attorneys' fees;
and add such charges to such person's regular charge.
A person shall have an affirmative defense to any charge assessed against it under this section where the person can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference, and:
(1) A local limit designed to prevent pass through and/or interference, as the case may be, has been developed for each pollutant in the person's discharge that caused pass through or interference, and the person was in compliance with such local limit directly prior to and during the pass through or interference; or
(2) If a local limit designed to prevent pass through and/or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference, the person's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the person's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-12. Special agreements.
Special agreements and arrangements between the department and any person may be established when, in the opinion of the director, unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application, the quality of pollutants that will be included in the discharge, the impact of those pollutants on the POTW and the receiving stream, and such other factors as the director deems appropriate. A violation of a term of a special agreement shall be considered a violation of this chapter. There cannot be special agreements and arrangements where federal categorical pretreatment standards and requirements apply.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-13. Monitoring devices; metering equipment.
(a) Installation and maintenance at industrial user's expense. The director may require, as is necessary to carry out the requirements of this chapter, any industrial user to construct at his/her own expense monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the industrial user's expense. The monitoring facility should normally be situated on the industrial user's premises, but the director may, when such a location would be impractical or cause undue hardship, upon his/her approval allow the facility to be constructed in the public right-of-way; provided, however, the department of transportation shall be the authority, through the street maintenance, traffic and street engineering divisions, to determine the locations on the public right-of-way on or below which the monitoring device and facility shall be placed.
(b) Temporary right-of-way use permit. The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall submit to the appropriate city agency a temporary right-of-way use permit request. The maintenance, traffic and street engineering divisions staff of the department of transportation shall review the temporary right-of-way use request and site plan prior to issuing the permit.
(c) Industrial users. Industrial users subject to categorical pretreatment standards shall have the option to designate a sampling location at a point containing only regulated process wastewaters or at a point containing the combined waste stream to demonstrate compliance with the applicable standard. The industrial user shall prove to the satisfaction of the director that the selected self-monitoring location contains

all regulated waste streams. This option does not relieve the industrial user of the requirements specified in subsection (a) of this section.
(d) An industrial user shall obtain written approval of the director prior to changing the point of self-monitoring activities.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Sec. 671-14. Right to inspect.
Whenever required to carry out the objectives of this Code, the director or his/her authorized representative, upon presentation of his/her credentials, shall have a right of entry to, upon or through any premises for purposes of reviewing relevant records or inspecting, measuring and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct such inspections, measuring and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the review of relevant records, inspection, measuring and sampling. The right of entry shall exist at any time.
(G.O. 27, 1991, § 1)

Sec. 671-15. Rules and regulations.
After the passage of this chapter, and from time to time thereafter as may be needed, the board of public works may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this chapter and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall follow the procedures provided in Chapter 261 of this Code.
(G.O. 27, 1991, § 1)

Sec. 671-16. Penalties.
(a) Notwithstanding any other section, any person who violates any provision or discharge limit of this chapter may be fined an amount not to exceed two thousand five hundred dollars ($2,500.00). A violation of any permit issued under this chapter or special agreement entered into under the authority of this chapter shall constitute a violation of this chapter. Each day's violation shall constitute a separate offense.
(b) Nothing in this chapter shall restrict any right which may be provided by statute or common law to the city to bring other actions, at law or equity, including injunctive relief. Violations of this chapter may be resolved through administrative adjudication as provided in Article V, Chapter 103.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1; G.O. 181, 1997, § 3)

Sec. 671-17. Recordkeeping requirement.
(a) Any industrial user subject to the reporting requirements established in this chapter shall maintain records of all information resulting from any monitoring activities required by this chapter. Such records shall include for all samples:
(1) The date, exact place, method and time of sampling and the name(s) of the person or persons taking the samples;
(2) The dates analyses were performed;
(3) Who performed the analyses;
(4) The analytical techniques/methods used; and
(5) The results of such analyses.
(b) Any industrial user subject to the reporting requirements established in this chapter shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available for inspection and copying by the director, the EPA and the IDEM. The city may extend the record-keeping retention requirement beyond three (3) years during periods of litigation, in anticipation of litigation, or as requested by the approval authority.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 1)

Secs. 671-18--671-21. Reserved.

ARTICLE II. BUILDING SEWERS

Sec. 671-22. Connection permits.
(a) Permit required. It shall be unlawful to cause or allow the repair, modification or connection of a building sewer to a public sewer or another building within the sanitary district without a valid sanitary sewer connection permit issued by the department, and the fine imposed for a violation of this provision shall not be less than one hundred dollars ($100.00) for each day the violation continues; the city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the

department. Permits will not be granted for connections to sewers not dedicated and accepted in accordance with section 671-161 of this chapter. This shall in no way limit the issuance of a building permit by the division of development services subject to the approval of a sanitary sewer connection permit application by the department of public works.

(b) Minimum elevations for gravity connection. A sanitary sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(c) Grease interceptors. A grease interceptor meeting the requirements of the department of fire prevention and building services shall be installed in waste lines (building sewers) from establishments delineated in section 671-4(g). The design and location of the grease interceptor shall be submitted to the department for approval.

(d) Permit fee; refunds. A fee per connection to the sewer shall be charged for a sanitary sewer connection permit. The board of capital asset management shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year. The fee shall cover the costs of mandatory inspection by the department of the building sewer and its connection, and any reinspection that may be necessary because of remedial construction. The permit fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.

(e) Modification of permit fee. The board of capital asset management may modify the fee for connection permits under a public improvement resolution or in the exercise of the department's general powers and duties to construct city sewers.

(f) Applications. An application for such connection permit shall be made on a form prescribed by the director and may require the following information:

(1) Name and address of the owner.

(2) The name, address and telephone number of the contractor.

(3) Address and, if necessary, the legal description of the premises where the work is to be done.

(4) Plans for the building sewer and connections, which at a minimum must consist of drawing(s) of the building, the parcel boundaries, the connection detail, including grease interceptor connection detail where applicable, materials of construction and installation method.

(5) Any other information as may be deemed reasonable and necessary by the director to carry out the provisions of this chapter.

(g) Who may apply.

(1) Application for a sewer connection permit shall only be made by the following:

a. A plumbing contractor licensed by the state and registered in accordance with Chapter 875 of this Code.

b. A contractor (other than a plumbing contractor) who has met the surety bond and insurance requirements of the department of metropolitan development. Surety bond requirements are met if the building sewer contractor has filed and maintains with the city a surety bond, as set forth in Chapter 875 of this Code. Insurance requirements are met if the contractor has secured and maintains a public liability and property damage insurance policy as set forth in Chapter 875 of this Code.

(2) The department may deny permits to any applicant who is currently in violation of this chapter or any other applicable regulations.

(h) Conformance with Indiana fire prevention and building safety regulations. All sewer work and other construction actually performed on or associated with the building drain, building sewer and the connection of the building sewer to the public sewer shall be in accordance with the rules and regulations of the Indiana Fire Prevention and Building Safety Commission and standard specifications of the department of public works.

(i) Expiration of permit by operation of law; extensions. The connection permit shall expire by operation of law and shall no longer be of any force or effect if work is not initiated within one hundred eighty (180) days from the date of issuance of the permit. The director may, however, for good cause shown in writing, extend the duration of the permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days. If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of one hundred eighty (180) days, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity. The fee for

an extension under this subsection shall be thirty dollars ($30.00), and the extension shall be confirmed in writing.

(j) Provisions of chapter supplemental to other construction ordinances. This chapter shall not be construed as contravening any ordinances of the city relating to construction within public streets, roads or rights-of-way but rather shall be supplemental thereto.

(k) Enforcement of bond. Any action may be initiated in a court of competent jurisdiction relative to the bond provided for in subsection (g)(1)b. as follows:

(1) The corporation counsel of the city may initiate proceedings to forfeit a bond:

a. As a penalty for repeated Code violations by a contractor, his agents or employees; or

b. To indemnify the city against any loss, damage or expense sustained by the city by reason of the conduct of the contractor, his agents or employees.

(2) A person, partnership or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the code deficiency has been given to the contractor and after the contractor has been given a reasonable opportunity to correct performance. If such a person, partnership or corporation prevails in any action brought under this section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.

(l) Variance procedure. The director shall have the power to modify or waive any minimum sanitary sewer design standard found in this article or in any regulations promulgated by the board pursuant to section 671-15 of this Code, which pertain to permits issued under this article. The director may grant such a variance if an applicant for a construction permit submits the request in writing and makes a substantial showing that:

(1) A minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and

(2) An alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.

If the director fails to respond within twenty (20) days from receipt of a written request for modification or waiver, such request shall be deemed to be denied. An applicant may appeal to the board a decision of the director which denies or partially denies a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days following the date of the decision. The board shall hear the request for the variance de novo, and in making a decision shall apply the standards set forth above.

(m) Exemption relative to work accomplished by or for certain governmental units. Permits as required by this section shall be obtained for sewer connection activity in the city accomplished by or for a governmental unit, and inspections relative to such sewer connection activity shall be allowed. Fees shall be required as specified by the board of capital asset management, except for the following:

(1) Sewer connection activity for which a fee cannot be charged by the municipality because of federal or state law; or

(2) Sewer connection activity accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(n) Notice of change in permit information. After a permit has been issued, the permittee shall give prompt written notice to the director of any addition to or change in the information contained in the permit application.

(o) Amendment of permits and plans. After a permit has been issued, any material deviation or change in the information contained in the permit application or the plans shall be considered an amendment subject to approval by the director. Prior to the time construction activity involving the change occurs, the permittee shall file with the director a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans. The director shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. The fee for the amendment of a permit shall be thirty dollars ($30.00). Reinspection fees and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(p) Transfer of permit. A sanitary sewer connection permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars ($30.00) and the execution and filing of a form furnished by the department. Such transfer form shall contain, in substance, the following certifications, release and agreement:

(1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and

b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.

(2) The transferee shall:

a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;

b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and

c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor, and shall be subject to any written orders issued by the director. A permit for construction activity at a specified location may not be transferred to construction activity at another location.

(q) Revocation of permits. The director may revoke a permit when:

(1) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact; or

(2) The application, plans or supporting documents reflect a lack of compliance with the requirements of this article.

The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(r) Stop-work order. The director is empowered to issue an order requiring the suspension of the pertinent construction activity ("stop-work order") whenever the director determines that:

(1) Construction activity is proceeding in an unsafe manner;

(2) Construction activity is proceeding in violation of a requirement of this article;

(3) Construction activity is proceeding in a manner which is materially different from the application, plans, or supporting documents; or

(4) Construction activity for which a sanitary sewer connection permit is required is proceeding without such a permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is issued.

The stop-work order shall be in writing and shall state to which construction activity it is applicable and the reason for its issuance. The stop-work order shall be posted on the property in a conspicuous place and, if conveniently possible, shall be given to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed. The sanction provided in this subsection shall in no way limit the operation of penalties provided elsewhere in this chapter.

(G.O. 27, 1991, § 1; G.O. 51, 1996, § 1; G.O. 168, 1999, § 22)

Sec. 671-23. Prohibition against clear water discharges.

(a) Except as provided in subsection (c) of this section, it shall be unlawful to cause or allow the connection of a building sewer to a public or other building sewer when such building sewer has any of the following sources of clear water connected to it:

(1) Foundation/footing drains;

(2) Sump pumps with foundation drains connected;

(3) Roof drains;

(4) Heat pump discharge;

(5) Cooling water; or

(6) Any other sources of clear water.

(b) In addition to any other provision provided herein, any person found violating any provision listed in subsection (a) above may be required to correct such connections at his expense.

(c) In the event an industrial or commercial entity finds it necessary to discharge clear water consisting of cooling water and/or steam condensate into the public sewer and the sewer has capacity to receive such clear water without affecting existing or future users, the department may enter into an agreement for such discharge that will define a merging system and any other requirement deemed necessary to measure the flow. The user rate for such discharge shall be calculated as provided in section 671-102.

(G.O. 27, 1991, § 1)

Sec. 671-24. Dewatering discharge to a combined sewer.

(a) It shall be unlawful to discharge the water resulting from dewatering activity to a combined sewer, whether such activity is temporary or permanent, without a valid sanitary sewer connection permit issued by the department. As a condition to the issuance of a permit, the applicant shall install, maintain and operate at the user's expense a metering device to measure the flow associated with such discharge.

(b) Based upon the volumes determined by the measurements, the user will be charged appropriate user fees in accordance with Article IV of this chapter.

(c) The user shall be required to submit monthly reports, subject to verification if authorized by the director, to serve as the basis for billing, with any necessary adjustments in the amount made after verification.

(G.O. 27, 1991, § 1)

Sec. 671-25. Mandatory inspection.

(a) Notification. It shall be the duty of the holder of a connection permit to notify the department in the manner described on the sanitary sewer connection permit that the sewer work is available for inspection. The department will conduct inspections on building sewer connections from 8:00 a.m. to 5:00 p.m. local time, Monday through Friday, except for observed city holidays. The building sewer, in its entirety from the foundation to the connection with the public sewer or existing lateral, must be exposed for inspection and be properly bedded in accordance with the department's standard specifications to one-half the diameter of the building sewer. It is further the duty of the permit holder to install safety barricades, fences or other safety measures while waiting for an inspection. The permit holder may backfill the building sewer trench if the department has not made an inspection within a four-hour period after notice has been given to the department. In the event the building sewer is not completed and ready for inspection upon the inspector's arrival or if the notification is made after 1:00 p.m. local time, Monday through Friday, the permit holder shall make the building sewer and connection available for a four-hour period on the following department work day. An inspection may be waived with or without conditions with the approval of the director.

(b) Right of entry. The division of development services and the department shall each have the right of entry to, upon or through any premises for purposes of inspection of sewer work and any other construction activity performed on or associated with the connection of the building sewer to the city sewer including inspection for clear water discharges into the sewer.

(G.O. 27, 1991, § 1)

Sec. 671-26. Building sewer maximum length.

Except for building sewers serving single- or double-family residences or single-owner industrial facilities, connection permits will not be issued for building sewers exceeding six hundred (600) feet in length as measured from the outside of the building to the center of the public sewer, unless the sewer is constructed in a dedicated easement or right-of-way in accordance with article VII. No more than one hundred (100) feet of a building sewer shall exist within a public right-of-way.

(G.O. 27, 1991, § 1)

Sec. 671-27. Maximum number of connections.

No more than one (1) building will be permitted to connect to a building sewer. Sewers with more than one (1) connection must be constructed as a public sewer in a dedicated easement in accordance with Article VII, unless the department determines that an exception is justified.

(G.O. 27, 1991, § 1)

Sec. 671-28. Building sewer responsibility.

It shall be the responsibility of the property owner(s) whose property is benefitted to provide for, install and make private connections for the use of their premises to an existing public or building sewer. Further, it shall be the responsibility of the owner to make all necessary repairs, extensions, relocations, changes or replacements thereof, and of any accessories thereto. These requirements may be altered, modified or waived at the discretion of the director when it is shown that compliance is not possible due to extenuating circumstances.

(G.O. 27, 1991, § 1)

Sec. 671-29. Existing foundation drains, roof drains, defective building sewers and sump pumps.

In the event the department determines that a violation of section 671-4(a) exists, the department shall notify the violator, by certified mail, that such violation exists. The notice shall describe the nature of the violation and the corrective action(s) that must be taken. Such corrective action shall be taken within thirty (30) days of receipt of such notice.

(G.O. 27, 1991, § 1)

Sec. 671-30. Penalties.
Any person violating any provision of this article shall be subject to the penalties of this chapter in accordance with sections 671-16 and 671-22 and further, at the discretion of the director, may be required to correct such violation at his expense.
(G.O. 27, 1991, § 1)

Sec. 671-31. Appeal.
Any person affected by the exercise of any discretionary authority delegated by this article to any official of the department and who objects to the decision made or action taken by such official shall be entitled to a hearing before the board of public works upon such objection. The person desiring such hearing before the board shall file a written request for a hearing, including a statement of his objections, with the director, who shall call the same to the attention of the board. Such requests must be filed with the director within ten (10) days from the date of the action being appealed. The appeal shall be scheduled before the board within thirty (30) days after such request is filed. Notice shall be given to the appellant identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date. The board may hear any evidence it deems relevant. After the hearing, the board may confirm, reverse or modify the decision or action. The order of the board shall be final. Such order shall be made within ten (10) days after the hearing and shall be in writing and sent to the appellant.
(G.O. 27, 1991, § 1)

Secs. 671-32--671-40. Reserved.

ARTICLE III. INDUSTRIAL DISCHARGE PERMITS

Sec. 671-41. Permit required.
(a) All industrial users proposing to connect to or discharge into a city sewer must complete an application for an industrial discharge permit before connecting to or discharging into a city sewer. All industrial users connected to or discharging into a city sewer, who do not currently have an industrial discharge permit, must complete an application for an industrial discharge permit within ninety (90) days after the effective date of this chapter. All significant industrial users (SIU's), including those users subject to federal standards, users not subject to federal standards but deemed significant by the director, or which otherwise meet the criteria of a significant industrial user shall obtain a permit from the department before connecting to or discharging into a city sewer.
(b) No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or the industrial discharge permit. Nor shall any person falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this chapter.
(G.O. 27, 1991, § 1)

Sec. 671-42. Application.
(a) The director shall have the authority to prescribe an industrial discharge permit application form. The application form may require the following information:
(1) Name, address and standard industrial classification number.
(2) Volume of wastewater to be discharged.
(3) The wastewater characteristics including, but not limited to, BOD, suspended solids, ammonia and pH.
(4) Description of daily, weekly and seasonal variations in discharges.
(5) Location of building drain and/or building sewer.
(6) Pretreatment standards applicable to the discharge.
(7) If additional pretreatment and/or operation and maintenance are required to meet the pretreatment standards, the user shall provide it by the shortest possible compliance schedules. The completion date in the schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:
a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
b. No increment referred to in paragraph a. shall exceed nine (9) months.

c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(8) Any other information as may be deemed by the director to be necessary to evaluate the industrial discharge permit application.

(b) The industrial discharge permit application shall be signed and sworn to by an authorized representative of the industrial user.

(G.O. 27, 1991, § 1)

Sec. 671-43. Term.

The industrial discharge permit shall be for a term of no more than five (5) years. Any person wishing to continue to discharge to a city sewer beyond the term of the industrial discharge permit shall apply for renewal of the industrial discharge permit at least sixty (60) days prior to the expiration of such permit using forms prescribed by the director, which forms may require the information set forth in section 671-42.

In the event the permittee does not receive permit renewal prior to the expiration date due to circumstances beyond the control of the permittee, the standards and requirements set forth in the expired permit shall remain in full force and effect until such renewal is received by the permittee.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-44. Conditions.

The director may prescribe conditions to the industrial discharge permit which may include the following:

(1) Applicable federal and/or state laws, regulations or orders, including national categorical pretreatment standards for new and existing sources promulgated in 40 CFR parts 401 through 471.

(2) Limits or prohibitions on the wastewater characteristics other than those in section 671-4 including, but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the POTW. The director shall apply applicable federal categorical pretreatment standards, or, in the absence of such standards, limits may be based on the best practical technology.

(3) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a city sewer, as established by the city-county council.

(4) Limits on the average and maximum wastewater constituents and characteristics.

(5) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.

(6) Requirements for installation and maintenance of inspection and sampling facilities.

(7) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule.

(8) Compliance schedules.

(9) Requirements for submission of technical reports or discharge reports.

(10) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording the city access thereto.

(11) Requirements for prior notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(12) Requirements for notification of slug discharges and the submittal and implementation of a slug control program.

(13) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-45. Permit modifications.

Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the user with an existing industrial discharge permit shall submit to the director, within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by section 671-42. Industrial discharge permits of users who must comply with federal categorical pretreatment standards prior to the effective date of this chapter shall be revised immediately upon the effective date of this chapter to reflect applicable pretreatment standards.

Modification of an industrial discharge permit may also be accomplished at any time during the term of the permit when in the opinion of the director a modification is necessary to accurately characterize changes in industrial contribution, wastewater constituents or characteristics, ordinance requirements or any other

applicable condition. An industrial user shall be given a thirty-day notice of the impending modification. Compliance deadlines with the modified requirements shall be determined on a case-specific basis.
(G.O. 27, 1991, § 1)

Sec. 671-46. Fees.
There shall be an application fee of one hundred fifty dollars ($150.00) for an individual discharge permit. This fee shall apply to original and renewal permit applications and modifications of existing permits initiated by the permittee. Payment of the fee shall accompany submission of the completed application. The board of public works may revise the amount of such fee in accordance with Chapter 261 of this Code but not more often than once each calendar year.
(G.O. 27, 1991, § 1)

Sec. 671-47. Nonassignability.
The industrial discharge permits are issued to a specific person for a specific facility and do not constitute a property interest nor shall the industrial discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation, except as follows: Industrial discharge permits may be reassigned or transferred to a new owner and/or operator if the permittee gives at least thirty (30) days advance written notice to the director and the director approves the industrial discharge permit transfer in writing. The notice to the director must include a written certification by the new owner and/or operator which: (1) states that the new owner and/or operator has no immediate intent to change the facility's operations and process; (2) identifies the specific date on which the transfer is to occur; and (3) acknowledges full responsibility for complying with the existing industrial discharge permit and all applicable laws and regulations. Failure to provide advance notice of a transfer renders the industrial discharge permit voidable on the date of facility transfer.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-48. Pretreatment.
Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before final review and approval of such plans by the Indiana Department of Environmental Management and construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the city under the provisions of this chapter. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-49. Compliance date report.
Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards or regulations shall submit to the director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or regulations. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment are necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This statement shall be signed by an authorized representative of the industrial user and certified by a professional engineer licensed in the State of Indiana.
(G.O. 27, 1991, § 1)

Sec. 671-50. Periodic compliance reports.
Any user subject to a pretreatment standard set forth in this chapter, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to the director, during the months of June and December, unless required more frequently in the pretreatment standard or by the director, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 671-49. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays,

budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.
Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the director, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR Part 136 or with any other test procedures approved by the director. Sampling shall be performed in accordance with the techniques approved by the director. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-51. Confidential information.
The director shall protect any information (other than effluent data) contained in the application forms or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such persons.
Information accepted by the city with a claim for confidentiality shall be safeguarded by the city and shall not be transmitted to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to the director. A determination of confidentiality shall be made by the director pursuant to regulations used by the EPA for acquisition of and public access to agency information, 40 CFR § 403.14.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-52. Emergency suspension of service and industrial discharge permit.
Notwithstanding any other provisions of this chapter, the director may, without notice or hearing, suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW, or causes the city to violate any condition of its NPDES permit.
Any user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The director shall reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the city sewer. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the director within five (5) days of the date of occurrence.
(G.O. 27, 1991, § 1)

Sec. 671-53. Revocation.
The director may revoke the industrial discharge permit of any person for any of the following:
(1) Violation of any provisions of this chapter or of any applicable state and/or federal law including regulations;
(2) Failure to timely file any discharge reports;
(3) Failure to factually report wastewater characteristics;
(4) Refusal of reasonable access to the user's premises for the purpose of review of records, inspection or monitoring; or
(5) Violation of any condition of the industrial discharge permit.
(G.O. 27, 1991, § 1)

Sec. 671-54. Notice of revocation.
Except in cases of willfulness or those in which public health interest or safety require otherwise, the revocation, withdrawal or suspension of an industrial discharge permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:
(1) Notice by the director, in writing, of the facts or conduct which may warrant the action.
(2) Opportunity to demonstrate or achieve compliance with all lawful requirements.
(G.O. 27, 1991, § 1)

Sec. 671-55. Notification of violation.
Whenever the director finds that any user has violated or is violating this article or any conditions of its industrial discharge permit, the director may serve upon such person a written notice stating the nature of the violation. Within fifteen (15) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.
(G.O. 27, 1991, § 1)

Sec. 671-56. Show-cause hearing.
The director may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause at a departmental hearing why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held before the director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.
(G.O. 27, 1991, § 1)

Sec. 671-57. Appeals.
A user may file with the director a written request for reconsideration within fifteen (15) days of any action, decision or determination taken as part of the department's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The director shall respond within ten (10) days of receipt of the request and shall make his/her final determination within thirty (30) days of receipt of the request.
The user may further appeal to the board of public works within fifteen (15) days of any final decision of the director.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-58. Publication of significant noncompliance.
During January of each year, the city shall publish in the largest city newspaper a list of the users which at any time during the previous calendar year were in significant noncompliance with applicable pretreatment requirements. The list shall be published in January of each year summarizing the noncompliance of the previous calendar year.
Significant noncompliance shall be chronic violations of discharge limitations in which sixty-six (66) percent or more of all measurements taken during a six-month period exceed by any magnitude the daily maximum for any given parameter; violations of technical review criteria (TRC) as set forth in 40 CFR § 403.8(f)(2)(vii) in which thirty-three (33) percent or more of all measurements for each pollutant parameter taken during a six-month period exceed the daily maximum or average limit multiplied by the applicable TRC; violations of an effluent limit that the director has determined have caused interference or pass-through at the POTW or endangerment to POTW personnel or the public; discharge of a pollutant causing imminent endangerment to human health, welfare or the environment; failure to meet, within ninety (90) days after a scheduled date, a compliance schedule milestone contained in a compliance schedule or order; failure to provide a required report within thirty (30) days after the due date; failure to accurately report noncompliance; or any violation which the director determines will adversely affect the operation or implementation of the city's pretreatment program.
(G.O. 27, 1991, § 1; G.O. 22, 1995, § 2)

Sec. 671-59. Submission of self-monitoring reports.
Any industrial user required to complete self-monitoring reports as a condition of an industrial discharge permit shall submit the required reports to the industrial surveillance section of the department of public works. The reports shall be postmarked no later than the date specified in the permit. The reports shall be signed by an authorized representative of the industrial user as defined in section 671-2.
(G.O. 27, 1991, § 2)

Sec. 671-60. Signatory requirements.
Reports and sworn statements required by sections 671-8, 671-10(c), 671-42(b), 671-49, 671-50, 671-59, and 671-61(b) shall be made by an authorized representative as defined in section 671-2 of this chapter. The reports and sworn statements which relate to the actual operation of or discharge from a pretreatment facility shall be prepared by or under the direction of a wastewater treatment plant operator certified under the provisions of 327 IAC 8, if the industrial user is required to have such a certified wastewater treatment plant operator.
If an authorization allowed under this section is no longer accurate due to changes in the person or position designated, a new authorization satisfying the requirements of this section shall be submitted to the city prior to or together with any applicable report.

Such reports and sworn statements shall be made as follows: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."
(G.O. 27, 1991, § 2; G.O. 22, 1995, § 2)

Sec. 671-61. Violation of permit requirements.
(a) In the case of noncompliance with industrial discharge permit limitations, standards or requirements, the industrial user shall contact the industrial surveillance section within twenty-four (24) hours of knowledge of the noncompliance. The person representing the industrial user shall provide the following information:
(1) Name of the company;
(2) Facility location;
(3) Limitation, standard or requirement in violation; and
(4) Corrective actions taken to eliminate, prevent and/or minimize the violation.
(b) The industrial user shall provide a detailed written report describing the violation to the industrial surveillance section. The report shall be submitted within five (5) working days subsequent to knowledge of the noncompliance incident. The director may grant an extension in writing to the report deadline in consideration of special circumstances. The report shall contain the following information:
(1) Description of the discharge and cause of the violation;
(2) Parameters in violation; and
(3) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue and the steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge or violation.
(c) Within thirty (30) days of knowledge of a violation from self-monitoring activities, the industrial user shall sample and analyze for the parameter(s) found in violation to demonstrate that compliance has been achieved. The results shall be submitted to the department of public works on the appropriate self-monitoring report.
(d) A violation of a monthly average limitation which is derived from federal categorical pretreatment standards shall constitute a separate violation for each day the facility operates during a given month unless actual daily analyses are demonstrated to be less than the applicable monthly average limitation.
(G.O. 27, 1991, § 2)

Sec. 671-62. Discharge of hazardous wastes.
Any industrial user which discharges a substance, which if disposed of otherwise would be a hazardous waste under 40 CFR Part 261, shall give prior written notification to the director, the Indiana Department of Environmental Management, and U.S. EPA Region V of such discharge, in accordance with the requirements of 40 CFR Part 261 and 40 CFR § 403.12(p).
(G.O. 22, 1995, § 2)

Secs. 671-63--671-74. Reserved.

ARTICLE IV. RATES, CHARGES AND BILLING

DIVISION 1. GENERALLY

Secs. 671-75--671-100. Reserved.

Sec. 671-101. Sewer user charge imposed.
Effective November 1, 1977, there is hereby imposed a sewer user charge payable to the department of public works upon each person owning or occupying real estate that is connected with and uses the POTW whether or not real estate taxes are imposed pursuant to IC 36-9-25 upon such real estate.
(G.O. 27, 1991, § 3)

Sec. 671-102. Basis for charge; how calculated.
(a) Established. The sewer user charge imposed by this article shall be based upon the following general formulas:

$$V_T = Vu_1 + Vu_2 \ldots + Vu_n$$

$$V_c = \frac{C_T - C_I - C_I - C_U - C_E - I}{V_T} + \frac{0.25\,(C_I + C_{I'} + C_U)}{V_T}$$

$$C_c = 0.75\,\frac{(C_I + C_{I'} + C_U)}{T_C} \div 12$$

Nonindustrial user:

$$R = V_u\,(V_c) + C_c$$

Industrial user:

$$R = V_u(V_c) + B_c(B) + S_c(S) + N_c(N) + P_c(P) + V_u(I_u) + C_c$$

Where

C_c = Availability of service charge per month.

C_T = Total operation and maintenance cost per a unit of time.

C_I = Operation and maintenance cost to transport and treat infiltration per a unit of time.

$C_{I'}$ = Operation and maintenance cost to transport and treat inflow per a unit of time.

Cu = Operation and maintenance cost to transport and treat unmetered water per a unit of time.

C_E = Operation and maintenance cost to treat wastes in excess of base level strength.

V_c = Operation and maintenance cost to transport and treat a unit of users' wastes equal to or below the base level strength.

B_c = Operation and maintenance cost to treat a unit of BOD.

S_c = Operation and maintenance cost to treat a unit of SS.

N_c = Operation and maintenance cost to treat a unit of ammonia nitrogen.

P_c = Operation and maintenance cost to treat any other pollutant.

B = Amount of BOD from a user above a base level.

S = Amount of SS from a user above a base level.

N = Amount of ammonia nitrogen from a user above a base level.

P = Amount of any other pollutant from a user above a base level.

V_u = Volume contribution per user per a unit of time.

V_T = Total volume contribution from all users per a unit of time (does not include infiltration, inflow and unmetered).

I = Industrial surveillance cost per a unit of time.

I_u = Industrial surveillance cost per a unit of industrial volume per a unit of time.

R = User's charge for operation and maintenance per a unit of time.

V_R = Total waste water contributed by residential customers per a year.

T_c = Total number of connections to the system.

(b) Application. Until amended, the following rates or factors shall apply:

V_c = $1.1339 per 1,000 gallons

I_u = $0.0539 per 1,000 gallons

B_c = $0.0859 per pound

S_c = $0.0970 per pound

C_c = $2.03 per month

N_c = $0.4474 per pound.

(c) Minimum charge and base level. The minimum charge on any monthly billing for an industrial user shall be $5.59 and for a nonindustrial user shall be $5.43. Further, for the purpose of the foregoing formulas, the BOD base level shall be 250 milligrams per liter, and SS base level shall be 300 milligrams per liter and NH3--N base level shall be 20 milligrams per liter. The industrial and nonindustrial rates and charges will be based on the quantity of water used on or delivered to the property or premises subject to such rates and charges, as the same is measured by the water meters in use and the strength of the waste where applicable except as hereinafter provided.
(G.O. 27, 1991, § 3; G.O. 157, 1993, § 1; G.O. 15, 1994, § 1)

Sec. 671-102.5. Supplemental charge for area previously served by the private utility, Fairwood Utilities, Inc.

(a) Supplemental charge imposed. There is hereby imposed monthly a supplemental charge, which shall be in addition to any other sewer user charge imposed by this article, payable upon each person owning or occupying real estate in the area described in subsection (b), provided such real estate is connected with and uses the wastewater works whether or not real estate taxes are imposed pursuant to IC 36-9-25 upon such real estate.

(b) Area. The supplemental repair charge established by this section shall apply only to the area previously served by the private utility, Fairwood Utilities, Inc., as described below:

All of that area included within the boundaries of the following described real estate:

(1) That area served by Certificate of Territorial Authority Number 21 granted by the Public Service Commission of Indiana in Cause Number 28661 on July 1, 1960, more particularly described as follows:

Part of the Southwest Quarter and the Southeast Quarter of Section 25, Township 17 North of Range 4 East and part of the Northwest Quarter and the Northeast Quarter of Section 36, Township 17 North of Range 4 East, being more particularly described as follows, to-wit:

Beginning at a point on the west line of the Southwest Quarter of Section 25 a distance of 45.0 feet north of the Southwest corner of the said Southwest Quarter; running thence north 00 degrees 20 minutes 00 seconds west upon and along the west line of said Southwest Quarter Section, being also the centerline of Hague Road, a distance of 1274.56 feet to the Northwest corner of the South Half of the Southwest Quarter of said Section 25; continuing thence north upon and along the west line of said Southwest Quarter Section a distance of 660.66 feet to a point; running thence east and parallel with the north line of said Southwest Quarter Section a distance of 2211.00 feet to a point; running thence south a distance of 466.62 feet to a point; running thence east a distance of 466.79 feet to a point on the east line of said Southwest Quarter

Section; running thence south upon and along the east line of said Southwest Quarter Section a distance of 194.04 feet to the Northeast corner of the South Half of the Southwest Quarter of said Section 25; running thence north 89 degrees 47 minutes 52 seconds east upon and along the north line of the South Half of the Southeast Quarter of said Section 25, a distance of 354.10 feet to a point; running thence south 70 degrees 51 minutes 30 seconds east a distance of 507.71 feet to a point in the centerline of Sargent Road as now located; running thence south 14 degrees 04 minutes 15 seconds west upon and along the centerline of Sargent Road a distance of 1079.32 feet to a point; running thence south 36 degrees 42 minutes 00 seconds west upon and along the centerline of Sargent Road a distance of 353.33 feet to a point; running thence south 42 degrees 01 minutes 00 seconds west upon and along the centerline of Sargent Road a distance of 611.59 feet to a point; running thence south 31 degrees 30 minutes 15 seconds west upon and along the centerline of Sargent Road a distance of 89.27 feet to the east corner of FAIRWOOD HILLS ADDITION-FIRST SECTION; running thence north 65 degrees 15 minutes 45 seconds west upon and along the north line of Fairwood Hills-First Section, a distance of 410.61 feet to a point; running thence north 45 degrees 25 minutes 15 seconds west a distance of 359.98 feet to a point; running thence north 74 degrees 15 minutes 06 seconds west a distance of 176.96 feet to a point; running thence south 89 degrees 21 minutes 00 seconds west a distance of 255.34 feet to a point of curvature of a 13.48136 degree curve (said curve has a deflection angle of 13 degrees 29 minutes 34 seconds and a radius of 425 feet - the south tangent of said curve has a bearing of north 12 degrees 50 minutes 34 seconds east); running thence north upon and along said curve a distance of 100.09 feet to the point of tangency of said curve; running thence north 00 degrees 39 minutes 00 seconds west upon and along the extension of the tangent of said curve a distance of 175.32 feet to a point (said point lies 45.00 feet north of the south line of the Southwest Quarter of Section 25, Township 17 North of Range 4 East); running thence south 89 degrees 21 minutes 00 seconds west parallel to and 45.00 feet north of the south line of the Southwest Quarter of Section 25, Township 17 North of Range 4 East a distance of 1534.75 feet to the point or place of beginning, containing 149.7 acres more or less.

(2) That area served by Certificate of Territorial Authority Number 28 granted by the Public Service Commission of Indiana in Cause Number 29147 on June 8, 1961, more particularly described as follows:

That part of the South East Quarter of the South East Quarter of Section 26, Township 17 North of Range 4 East in Marion County, Indiana, more particularly described as follows:

That part of the South East Quarter Quarter Section and running thence west, along and with the south line of said Quarter Quarter Section, 778 feet to a point; thence north parallel with the east line of said Quarter Quarter Section, 839.54 feet to a point; thence east, parallel with the south line of said Quarter Quarter Section, 778 feet to a point in the east line of said Quarter Quarter Section; thence south along and with said east line, 839.54 feet to the place of beginning, containing 15 acres, more or less.

(3) That area served by Certificate of Territorial Authority Number 86 granted by the Public Service Commission of Indiana in Cause Number 32605 on March 26, 1971, more particularly described as follows:

A part of the Northwest Quarter and a part of the Southwest Quarter of Section 25, Township 17 North, Range 4 East in Marion County, Indiana, more particularly described as follows:

All that portion of the North half of the Southwest Quarter not presently included in Certificate of Territorial Authority No. 21 more particularly described as follows:

Beginning at the Northeast corner of the Southwest Quarter; thence south upon and along the east line of said quarter section 1320 feet; thence west 462.79 feet; thence north 462.62 feet; thence west 1548.00 feet; thence north parallel with the west line of the Southwest Quarter 660.66 feet to a point in the north line of the Southwest Quarter; thence east upon and along the north line of said Southwest Quarter 2017.00 feet, more or less, to the point of beginning, containing 44.4 acres, more or less.

ALSO, the Southwest Quarter of the Northwest Quarter of said section containing 40 acres, more or less.

(4) A subdivision commonly known as Creekwood, more particularly described as:

A part of the Northeast Quarter of Section 36, Township 17 North, Range 4 East in Marion County, Indiana, said part being more particularly described as follows:

Beginning at a point in the west line of "Wild-Ridge Subdivision," an Addition to Marion County, Indiana, the plat of which is recorded in the Office of the Marion County Recorder as Instrument Numbered 64-26827, said point being south 00 degrees 00 minutes 50 seconds east (assumed bearing) 175.98 feet of a stone identified on the aforesaid plat as the Northwest corner of the East Half of the said Quarter Section; thence south 00 degrees 00 minutes 59 seconds east upon and along the west line of the said subdivision, 1,349.36 feet to the Southwest corner of the said subdivision, said point also being in the centerline of Fall Creek Road as now located and established; the next three calls are upon and along tangent lines generally representative of the centerline of Fall Creek Road as now located and established; thence south 72 degrees 25 minutes 55 seconds west 363.54 feet to a point; thence south 58 degrees 18 minutes 43 seconds west 438.48 feet to a point; thence south 75 degrees 39 minutes 34 seconds west 339.41 feet to a point; the next ten calls are along the meandering of the foot hills along the east side of Mud Creek; thence north 25 degrees 53 minutes 22 seconds east 244.35 feet; thence north 43 degrees 10 minutes 22 seconds east 97.50 feet; thence north 34 degrees 09 minutes 22 seconds east 219.62 feet; thence north 55 degrees 47 minutes 22 seconds east 71.95 feet; thence north 25 degrees 52 minutes 22 seconds east 259.93 feet; thence north 19

degrees 45 minutes 22 seconds east 164.15 feet; thence north 24 degrees 25 minutes 22 seconds east 270.42 feet; thence north 47 degrees 41 minutes 22 seconds east 374.16 feet; thence north 21 degrees 02 minutes 22 seconds east 224.92 feet; thence north 18 degrees 09 minutes 16 seconds east 172.58 feet to the POINT OF BEGINNING, containing 15.75 acres, more or less, subject, however, to all legal highways, rights-of-way, easements and restrictions of record.

(c) How calculated; maximum. The supplemental charge established by this section shall in no instance exceed nine dollars and eighty-five cents ($9.85) per month, subject to subsection (d) below, and shall be calculated using the following formula:

SC = $9.85, or A + B + C / D / E, whichever is less;

Where:

SC	=	Supplemental charge
A	=	Imputed interest on funds advanced for purchase and repair of Fairwood's assets, for an amount not to exceed $103,000
B	=	Amount of cash transaction to purchase assets of Fairwood Utilities, for an amount not to exceed $30,444
C	=	Actual cost of design, inspection and construction costs of necessary repairs to the Fairwood sanitary sewer system
D	=	Number of properties in the area which are connected with and using the wastewater works
E	=	120 months (10 years)

(d) Exception. Notwithstanding subsection (c), the supplemental charge for Crestview Elementary School, located at 7601 East 56th Street, Indianapolis, shall be 4.5 times the supplemental charge set forth in subsection (c) due to the fact that the school uses approximately 4.5 times the amount of water as the typical home in the area.

(e) Effective date and duration. The supplemental charge established by this section shall be effective as of the effective date of the acquisition of the assets of the private utility, Fairwood Utilities, Inc., by the department and shall continue thereafter for one hundred twenty (120) months (ten (10) years). On the effective date, the supplemental repair charge shall be nine dollars and eighty-five cents ($9.85) and shall thereafter be subject to automatic downward adjustment under subsection (f).

(f) Automatic downward adjustment. The department shall automatically adjust downward the supplemental charge established by this section in the event that the value of factors "A," "B," and/or "C" in the formula set forth in subsection (c) is less than the amount indicated for that factor in subsection (c). This automatic downward adjustment shall apply proportionally to the charge established by subsection (d).

(G.O. 50, 1996, § 1)

Sec. 671-102.7. Supplemental repair charge for area previously served by the private utility, Southside Utilities, Inc.

(a) Supplemental repair charge imposed. There is hereby imposed monthly a supplemental repair charge, which shall be in addition to any other sewer user charge imposed by this article, payable to the department of public works upon each person owning or occupying real estate in the area described in subsection (b), provided such real estate is connected with and uses the wastewater works whether or not real estate taxes are imposed pursuant to IC 36-9-25 upon such real estate.

(b) Area. The supplemental repair charge established by this section shall apply only to the area previously served by the private utility, Southside Utilities, Inc., under certificates of territorial authority granted by the Indiana Utility Regulatory Commission, as described below:

Certificate of Territorial
Authority No. 40

Hill Valley Estates, First Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 314 and 315, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Second Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 31, pages 393 and 394, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Third Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 43 and 44, in the office of the Recorder of Marion County, Indiana.

Hill Valley Estates, Fourth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, pages 45 and 46, in the office of the Recorder of Marion County, Indiana.
Hill Valley Estates, Fifth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 127, in the office of the Recorder of Marion County, Indiana.
Hill Valley Estates, Eighth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 133, in the office of the Recorder of Marion County, Indiana.
Hill Valley Estates, Sixth Section, a subdivision in Marion County, Indiana as per plat thereof, recorded in Plat Book 32, page 236, in the office of the Recorder of Marion County, Indiana.
Hill Valley Estates, Ninth Section, a subdivision in Marion County, Indiana, as per plat thereof, recorded in Plat Book 32, page 269, in the office of the Recorder of Marion County, Indiana.
Certificate of Territorial
Authority No. 55
Tract 1
Part of the east half of the northwest quarter of Section 23, Township 14 North, Range 3 East of the second principal meridian, described as follows:
Beginning on the west line of the said half quarter section at a point that is 1244.40 feet south of the northwest corner thereof; thence south on and along the said west line, 1426.45 feet to the southwest corner thereof; thence east, on and along the south line of the said half quarter section, 1335.82 feet to the southeast corner thereof; thence north, on and along the east line of the said half quarter section 1647.63 feet to the southeast corner of Carey Ranch Homesites, First Section, as recorded in the Office of the Recorder of Marion County, Indiana; thence west on a forward deflection angle to the right of 90° 00' a distance of 225 feet; thence south deflecting to the left 90° 00' a distance of 80 feet; thence northwesterly deflecting to the right 114° 32' a distance of 390 feet; thence northwesterly deflecting to the right 17° 42' a distance of 410.93 feet; thence west deflecting to the left 42° 27' a distance of 280 feet; thence north deflecting to the right 90° 00' a distance of 50 feet; thence west deflecting to the left 90° 00' a distance of 180 feet to a point on the west line of said half quarter section, said point being the southwest corner of the said addition; thence south on and along the said west line 659.40 feet to the place of beginning containing 58.49 acres, more or less, subject to all legal rights-of-way.
Tract 2
Part of the northeast quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:
Beginning at a point on the east line of said section, distant 2041.10 feet south of the northeast corner thereof, running thence due south and along said east line 25 feet; thence south 88° 47' West and parallel to the north line of said one-quarter (1/4) section 260 feet; thence due south and parallel to the east line of said one-quarter (1/4) section 150 feet; thence South 88° 47' West 2256.98 feet to a point 175 feet east of the west line of said one-quarter (1/4) section; thence North 0° 15' 20" West and parallel to said west line 865.95 feet; thence north 88° 47' East 1116.0 feet to the southwest corner of Lot 414 in Hill Valley Estates, Ninth Section, as recorded in the Marion County Recorder's Office, Plat Book 32, pages 269 and 270; thence South 0° 15' 20" East 190.88 feet; thence North 88° 47' East 25.57 feet; thence South 1° 13' East 185 feet; thence North 88° 47' East 22.83 feet; thence South 1° 13' East 145 feet; thence North 88° 47' East 270 feet; thence South 1° 13' East 170 feet; North 88° 47' East 1075 feet to the point of beginning, containing 28.48 acres more or less. Subject to all legal highways and rights-of-way.
Tract 3
Part of the northeast quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:
Beginning at the northwest corner of said quarter section, running thence east along the north line thereof 1291 feet; thence south parallel to the west line of said quarter section, a distance of 1350 feet to the quarter section 1291 feet to the west line thereof; thence north along said west line 1350 feet to the point of beginning, containing in all 40.01 acres more or less. Subject to all legal highways and/or rights-of-way.
Tract 4
Part of the northeast quarter of Section 23, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:
Beginning at a point on the east line of said one-quarter (1/4) section, distant 1334 feet south of the northeast corner thereof; running thence due south and along said east line 707.10 feet; thence South 88° 47' West 1075 feet; thence North 1° 13' West 345 feet; thence North 88° 47' East 222.13 feet to the P.C. of curve to the left, said curve having a delta = 35° 27' and a radius = 400 feet; thence in a northeasterly direction along said curve 247.49 feet to P.T. thereof; thence North 53° 20' East 361.96 feet to the P.C. of a curve to the right, said curve having a delta = 36° 40' and a radius = 430 feet; thence in a northeasterly direction along said curve 275.18 feet to the P.T. thereof; thence due east 82.51 feet to the point of beginning, containing in all 12.54 acres more or less. Subject to all legal highways and/or rights-of-way.
Tract 5

Part of the northwest quarter of Section 24, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:
Beginning at a point on the south line of said quarter section, distant 790 feet west of the southeast corner thereof; running thence South 89° 01' West and along the south line of said quarter section 659.55 feet to the southeast corner of Hill Valley Estates, 3rd Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 32, pages 43 and 44; thence North 00° 59' West 140 feet; thence North 89° 01' East 23.30 feet; thence due North 631.72 feet to the southerly line of Hill Valley Estates, Second Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, pages 393 and 394; thence North 58° 09' 40" East 199.74 feet; thence North 49° 29' East 268.33 feet; thence South 49° 01' 20" East 454.10 feet; thence South 5° 42' 40" East 201 feet; thence South 24° 26' 40" West 181.25 feet; thence South 14° 36' West 168.48 feet; thence South 5° 10' East 215.60 feet to the point of beginning, containing 13.95 acres more or less.
Tract 6
Part of the northwest quarter of Section 24, Township 14 North, Range 3 East, in Marion County, Indiana, more particularly described as follows:
Beginning at the southeast corner of said quarter section and running thence South 89° 01' West and along the south line of said quarter section 790.0 feet to the southeast corner of Lot 271 in Hill Valley Estates, 7th Section, Part A, the plat of which is recorded in the Marion County Recorder's office 64-23380; running thence North 5° 10' West 215.60 feet; thence North 14° 36' East 168.48 feet; thence North 24° 26' 40" East 181. 25 feet; thence North 5° 42' 40" West 201.00 feet; thence North 49° 01' 20" West 454.10 feet to the southeast corner of Lot 70 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence North 49° 29' East 141.67 feet; thence North 58° 14' 10" East 350.00 feet; thence North 68° 35' 10" East 699.45 feet to a point in the east line of said quarter section, said point being the southeast corner of Lot 81 in Hill Valley Estates, 2nd Section, the plat of which is recorded in the Marion County Recorder's office, in Plat Book 31, pages 393 and 394; thence South 0° 03' West and along the east line of said quarter section 1558.70 feet to the place of beginning, containing 26.33 acres more or less, subject to all legal highways and rights-of-way.
Tract 7
Part of the northwest quarter of Section 24, Township 14 North, Range 3 East, in Marion County, Indiana, more particularly described as follows:
Beginning at the northwest corner of said quarter section; running thence east along the north line of said quarter section 2355.59 feet to a point 319.41 feet west of the northeast corner of said quarter section; thence south 195.01 feet to the southwest corner of Lot 91 in Hill Valley Estates 2nd Section, the plat of which is recorded in the Marion County Recorder's office, Plat Book 31, page 393; thence west along the north line of Hill Valley Estates 6th Section, 4th Section, and 8th Section 2355.59 feet to the west line of said quarter section; thence north along said west line 194.89 feet to the point of beginning, containing 10.54 acres more or less.
Tract 8
Part of the southeast quarter of the southwest quarter of Section 13, Township 14 North, Range 3 East, described as follows:
Beginning at the southeast corner of said quarter section, running thence west along the south line thereof 656.04 feet; thence north parallel to the east line thereof 680.70 feet to the center of Stop 11 Road; thence southeasterly on a forward deflection angle to the right of 144° 44' a distance of 406.25 feet; thence deflecting to the left 15° 53' a distance of 541.20 feet to the point of beginning, containing in all 4.42 acres more or less, subject to all legal highways and/or rights-of-way.
Certificate of Territorial
Authority No. 62
The northwest quarter of the northwest quarter and part of the southwest quarter of Section 23, Township 14 North, Range 3 East of the second principal meridian, described as follows:
Beginning at the northeast corner of the said northwest quarter of the northwest quarter section; thence South 88° 33' 30" West on and along the north line of the said quarter section 1348.25 feet to the northwest corner thereof; thence South 00° 32' East on and along the west line of the northwest quarter and the southwest quarter of said section 3152.75 feet; thence North 88° 30' 30" East 571.35 feet; thence South 00° 18' East 1084.22 feet; thence North 88° 18' 30" East 2065.03 feet; thence North 00° 26' 30" West 1560.15 feet to the north line of said southwest quarter; thence South 88° 25' 30" West on and along said north line 1290.27 feet to the southeast corner of the northwest quarter of the northwest quarter of said section; thence north on and along the east line of said quarter quarter section 2670.95 feet to the place of beginning, containing 162.98 acres, more or less, subject to all legal rights-of-way and easements.
Part of the southwest quarter of Section 24, Township 14 North, Range 3 East, Marion County, Indiana, more particularly described as follows:
Beginning at the northeast quarter of said quarter section; running thence south along the east line thereof 326.17 feet; thence west parallel to the north line of said quarter section 1869.7 feet; thence north parallel to

the east line of said quarter section 326.17 feet to the north line thereof; thence east along said north line 1869.7 feet to the point of beginning, containing in all 14 acres more or less. Subject to all legal highways and/or rights-of-way.
Certificate of Territorial
Authority No. 78-A
Lots 8 to 19, inclusive, in Meridian Park, a subdivision in Marion County, the plat of which is recorded in Plat Book 30, page 93, in the office of the Recorder of Marion County, Indiana, and 1000 feet north on Meridian Street, State Highway 135, between the territorial authority granted by Certificates of Territorial Authority Nos. 40, 55 and 62 and the territorial authority described by this paragraph.
(c) How calculated; maximum. The supplemental repair charge established by this section shall in no instance exceed nine dollars and ninety-nine cents ($9.99) per month and shall be calculated using the following formula:
SRC = $9.99, or, A + B / C / D, whichever is less.

Where:

SRC	=	Supplemental repair charge
A	=	$294,000
B	=	Actual construction cost of key repairs performed by the department after acquisition of the sanitary sewer system, or $674,000, whichever is less
C	=	Number of properties in the area which are connected with and using the wastewater works
D	=	102 months (81/2 years)

(d) Effective date and duration. The supplemental repair charge established by this section shall be effective as of the effective date of the acquisition of the assets of the private utility, Southside Utilities, Inc., by the department and shall continue thereafter for 102 months (81/2 years). On the effective date, the supplemental repair charge shall be nine dollars and ninety-nine cents ($9.99) and shall thereafter be subject to automatic downward adjustment under subsection (e).
(e) Automatic downward adjustment. The department shall automatically adjust downward the supplemental repair charge established by this section in the event that the value of factor "B" in the formula set forth in subsection (c) is less than six hundred seventy-four thousand dollars ($674,000.00).
(Code 1975, § 27-102.5)

Sec. 671-103. Charges and fees for city's pretreatment program.
Charges and fees shall be established with council approval to provide for the recovery of costs from industrial users of the city's wastewater treatment system to recover the cost of the pretreatment program. The applicable charges or fees shall be set forth in the city's schedule of fees and charges and may include:
(1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program.
(2) Fees for monitoring, inspections and surveillance procedures.
(3) Fees for reviewing accidental discharge procedures and construction.
(4) Fees for filing appeals.
(5) Fees for consistent removal (by city) of pollutants otherwise subject to federal pretreatment standards.
(6) Other fees as the city may deem necessary to carry out the requirements contained herein.
(G.O. 27, 1991, § 3)

Sec. 671-104. Billing estimates and reports.
(a) In the event a nonindustrial user subject to such charges and fees is not served by a public water supply or water used is not completely metered, the director shall have the authority to estimate the volume and strength of the waste and use such estimate for the purposes of billing rates and charges. The estimates shall be based upon analyses and volumes of a similar installation or the volume and analysis as determined by measurements and samples taken by the director or an estimate determined by the director or by any combination of the foregoing or other equitable method.
(b) Unless otherwise established by the director, each industrial user subject to the charges and fees shall report to the director by the twenty-fifth day of the following month on a form prescribed by the director an estimate of the volume discharged in the prior month and a representative value of the strength of the waste including, but not limited to, BOD, SS and (ammonia) nitrogen. All measurements, tests and analyses

of the characteristics of such waste shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Sewage" as published jointly by the American Public Health Association and the Water Pollution Control Federation consistent with 40 CFR Part 136 or by other methods generally accepted under established sanitary engineering practices and approved by the director. The reports submitted shall be subject to verification by the director but may serve as the basis for billing with all necessary adjustments in the amounts to be made after verification. In the event an analysis and volume of the industrial waste are not furnished to the director by the aforementioned time, the charges shall be based upon estimates made by the director, as provided in subsection (a) of this section.

In the event that an industrial user fails to submit the report required by this subsection (b) by the twenty-fifth day of the following month, the industrial user shall pay late reporting charges according to the following schedule:

Late Reports Filed in any Year	Charge
First late report....	No charge
Second late report....	No charge
Each subsequent late report....	$100.00

These late reporting charges shall be due and payable as provided in this article. The imposition of such late reporting charges shall in no way limit the operation of penalties provided elsewhere in this chapter.

(c) The director shall have the right to enter upon the land of the industrial user and to set up such equipment as is necessary to certify the reports submitted. It shall be the duty of the industrial user to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the measuring and sampling. The right of entry shall exist during any time the industrial user is operating or open for business.

(d) In cases where measurements are difficult to make, or the industrial waste composition changes frequently, or representative samples are difficult to get, or where other methods of measurement are necessitated for other sound engineering reasons as determined by the director, the director shall have the authority to use such other basis for determining such charges as shall be reliably indicative of volume and BOD, SS and (ammonia) nitrogen strengths of particular industrial waste, such as, but not limited to, water purchase or usage, character of products, comparisons between the industrial user data and collected data from like industries.

(e) The cost of all tests, measurements and analyses taken by the director pursuant to the department of public works' responsibility to perform industrial monitoring programs, defined and directed by local, state and federal agencies, shall be charged to the industrial user tested in an amount equal to the actual average cost of such test, measurement or analysis as determined at the close of each calendar year. These costs shall be due and payable as provided in this article.

(G.O. 27, 1991, § 3; G.O. 22, 1995, § 3)

Sec. 671-105. Contract for billing by the Indianapolis Water Company.

(a) The board is authorized to enter into a contract with the Indianapolis Water Company for the use of its services in ascertaining water volume to be utilized in determining charges imposed by this article and in billing for and collecting such charges and for the payment to it of just and reasonable compensation for its services.

(b) Billings for such rates and charges provided for by this article shall be made in a cycle which coincides with the billing procedure of the Indianapolis Water Company, or in the case where the person subject to such rates and charges is not a customer of the Indianapolis Water Company, such billing cycle shall be determined by the director.

(c) Rates and charges shall be due to the department of public works within seventeen (17) days after mailing of billings, with the exception that rates and charges assessed against or to be paid by a federal, state, county or municipal governmental unit shall be due within sixty (60) days. All payments made by a person based upon the reports submitted as provided for in this article shall become final unless verification is made and notice given by the director of necessary adjustments within one (1) year of such payment. Underpayment of charges based on errors in users' reports and estimates shall be billed on ascertainment thereof. Overpayment of charges arising from any cause shall first be applied to unpaid billings.

(G.O. 27, 1991, § 3)

Sec. 671-106. Use by other political subdivisions.

No use of the POTW shall be allowed by any other political subdivision of the state unless and until the director shall have determined that all rates and charges, including industrial cost recovery of such political subdivision, are consistent with this article, the laws of the United States and regulations of the U.S. Environmental Protection Agency.
(G.O. 27, 1991, § 3)

Sec. 671-107. Applicable to sewer service agreements.
All sewer service agreements to which the department of public works is a party shall be amended to reflect the rates and charges as provided for in this article.
(G.O. 27, 1991, § 3)

Sec. 671-108. Rules and regulations authorized.
After the passage of General Ordinance No. 63, 1977, and from time to time thereafter as may be needed, the board may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this article and not inconsistent therewith. Before any such rules and regulations shall become effective, the board of public works shall follow the procedures provided in IC 36-9-25.
(G.O. 27, 1991, § 3; G.O. 22, 1995, § 3)

Sec. 671-109. Appeals to the board.
(a) Any person subject to this article may appeal the charges assessed against him to the board and shall have a hearing upon the following conditions:
(1) That the person submits billing estimates or authorizes the director to make such estimates;
(2) That the person has good cause to believe that charges assessed are in error;
(3) That notice in writing has been given to the board within sixty (60) days of receipt of the charges in question.
(b) The board is directed to notify the person making appeal of the time and place when his/her appeal will be heard. Upon evidence sufficient to the board submitted at the hearing establishing that the charges are in error, the board shall make adjustments in the charges. Adjustments may be in the form of a refund or a credit against subsequent assessments of the charges provided for in this article.
(G.O. 27, 1991, § 3)

Sec. 671-110. Exceptions.
(a) In the case of one-, two- or multi-family residences, the billing for sewage service for the months of May, June, July, August and September shall be based upon the water used or delivered for the previous months of March and April. In the event the water used for such previous months of March and April is greater than the water used for the months of May, June, July, August and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.
(b) Where a metered water supply is used for fire protection as well as for other uses, the director may, at his/her discretion, make adjustments in the sewer user charge as may be equitable. In such cases the burden of proof as to the type of water usage shall be upon the user.
(c) Where a metered water supply is used for fire protection only, the sewer user charge shall not apply.
(G.O. 27, 1991, § 3)

Sec. 671-111. Rate review.
At such time as deemed appropriate by the director, the director shall cause a financial study to be conducted to determine the various costs identified in the foregoing, and report to the city-county council the need for any necessary adjustments in the rates and charges.
(G.O. 27, 1991, § 3)

Sec. 671-111.1. Advanced wastewater treatment facilities reserve fund.
(a) Effective in fiscal year 1985, there is hereby created a special fund to be designated as the "advanced wastewater treatment facilities reserve fund," in the division of finance, under the controller.
(b) This fund shall be a continuing fund with all balances remaining therein at the end of each calendar year, and no such balances shall lapse into the city or county general funds or ever be diverted, directly or indirectly, in any manner to any other uses than for capital expenditures for the repair, remodeling, addition to or replacement of major facilities at the city's advanced wastewater treatment plant. Such "major facilities" shall be limited to capital equipment with an anticipated usable life in excess of at least fifteen (15) years, the replacement cost of which is in excess of two hundred thousand dollars ($200,000.00).
(c) The fund shall be created and maintained by the transfer from sanitation general of revenues from the sewer user fees and pretreatment charges established under this chapter, in an amount not to exceed

one million two hundred thousand dollars ($1,200,000.00). The accumulated fund balance shall not exceed fifteen million dollars ($15,000,000.00).
(d) Moneys from this reserve fund shall be appropriated in accordance with IC 36-3-6-6.
(G.O. 27, 1991, § 3)

Sec. 671-112. Charges not duplicated; repeal of divisions 1 and 2 upon this article becoming effective.
(a) Article IV is intended to confirm and effectuate the sewer user and industrial cost recovery charges provided for in the confirming rate resolution of the board of public works, Resolution No. 2622 adopted September 25, 1984, and does not impose any charges duplicating or in addition to the identical charges provided for in that resolution. Such charges shall be payable under that resolution if it is legally effective to impose the charges and not under this article. If such resolution is not legally effective to impose the charges, then the charges shall be imposed by this article.
(b) Article IV of Chapter 671, Revised Code of Indianapolis and Marion County, Indiana, as set forth herein, is intended to confirm and effectuate the sewer user charge and industrial cost recovery system of funding mandated by regulation of the U.S. Environmental Protection Agency and is designed to replace charges established by divisions 1 and 2 of article IV of chapter 27, Code of Indianapolis and Marion County, Indiana. Such charges established by divisions 1 and 2 of article IV are hereby expressly repealed when the charges set forth in Article IV of this chapter become legally effective. If, for any reason, this ordinance does not become legally effective, then the charges of divisions 1 and 2 of article IV of chapter 27, Code of Indianapolis and Marion County, Indiana, shall be preserved and remain in full force and effect.
(G.O. 27, 1991, § 3)

DIVISION 2. WATER SERVICE TERMINATION

Sec. 671-113. Termination of service procedures.
(a) Pursuant to IC 36-9-25, the department of public works may order the termination of water service to a sewer service address on account of nonpayment of a delinquent account which is not less than thirty (30) days delinquent. When so ordered, the water utility shall terminate such service in accordance with the terms of their agreement with the department.
(b) The fee for terminating services shall be a minimum of twenty-five dollars ($25.00), which shall include charges assessed against the department by the water utility for effecting the termination. Fees for terminating commercial and industrial services shall be determined in an agreement between the department and the water company. This fee shall be assessed against the customer and added to the delinquent bill.
(c) The department may not terminate under this section if the Marion County health department has found and certified to the department that the termination of water service will endanger the health of the user and others in the municipality.
(d)(1) Prior to the termination of water service because of sewer user fee delinquency, the department must first give notice of such delinquency and impending termination at least seven (7) calendar days prior to the proposed termination, by first class mail addressed to the user to whom the service is billed, which notice shall contain the following:
a. The delinquent amount due, together with any penalty and fees;
b. The date of the notice of termination;
c. The date on and after which termination shall be made, which shall be at least seven (7) calendar days from the date of the notice of termination;
d. Notice that water service may be disconnected if, prior to the earliest possible date of termination given in the notice, the user does not pay the delinquency together with any penalty and fees, or disputes the amount or makes other provisions for payment pursuant to this section;
e. A procedure as provided in subsection (d)(2) for resolving a disputed bill.
(2) The director of the department shall appoint an account review officer (ARO) to review and resolve disputes. Before the earliest possible date of termination of water service as specified in the notice, a user may request a hearing before the ARO of the department to dispute the correctness of all or part of the amount(s) shown in accordance with the provisions of this section. A user shall not be entitled to dispute the correctness of all or part of the amount(s) if all or part of the amount(s) was (were) the subject of a previous dispute under this section.
(e) The procedure for a hearing on a user dispute shall be as follows:
(1) Before the earliest possible date of termination as specified on the notice of termination, the user shall notify the ARO in writing that he (she) requests a hearing to dispute the correctness of all or part of the amounts shown on the notice of termination, stating as completely as possible the basis for the dispute.
(2) An informal hearing before the ARO shall be held within fifteen (15) days of the ARO's receipt of the user's written request for a hearing on a disputed bill.

(3) At the hearing, the user shall be entitled to present all evidence that is, in the ARO's view, relevant and material to the dispute.
(4) Based on the evidence presented at the hearing, the ARO, within ten (10) days of the completion of the hearing, shall issue a written decision formally resolving the dispute. The ARO's decision shall be final and binding.
(f) The ARO shall be authorized to resolve any disputed sewerage bill and shall be authorized to order the termination of water service under appropriate circumstances. Upon approval by the ARO, the user may enter into an agreement to amortize the unpaid balance of his/her account over a reasonable period of time, not to exceed six (6) months. No termination shall be effected for any user complying with any such amortization agreement, provided the user also keeps current his/her account for sewer service as charges accrue in each subsequent billing period. If a user fails to comply with an amortization agreement, the ARO may terminate water service provided notice is given to the user at least forty-eight (48) hours prior to such termination and the notice includes conditions the user is required to meet to avoid termination.
(g) Utilization of this hearing procedure shall not relieve a user of the obligation to timely and completely pay all other undisputed water and sewerage bills or charges. Failure to timely and completely pay all such undisputed amounts shall subject the user to the termination of service in accordance with the provisions of this division.
(h) Until the date of the ARO's decision, the department shall not terminate water service of the user. If the ARO determines that the customer must pay some or all of the disputed amount(s), the department, or the ARO in his written decision, shall notify the user of the following:
(1) The amount to be paid;
(2) The date on or after which services will be terminated; and
(3) Notice that, unless the department receives complete payment of the amount shown prior to the earliest possible date of termination given in the notice, water service shall be terminated.
(i) A "user" for the purpose of this section is defined as:
(1) A person who requests, either orally or in writing, water and/or sewerage service from the city or water utilities;
(2) A person in whose name water and/or sewerage service is billed for the rendering of such service.
(G.O. 27, 1991, § 3)

Sec. 671-114. Termination of services not exclusive remedy.
The remedy provided herein for the collection of delinquent sewer user charges or benefits shall not be construed to abridge or in any manner interfere with the right and power of the department to enforce a collection thereof by any other action or as otherwise provided by statute, but the remedy provided in such section shall be taken and held as an additional means to enforce payment of sewer service charges or benefits.
(G.O. 27, 1991, § 3)

DIVISION 3. ELIMINATION OF UNCOLLECTIBLE ACCOUNTS

Sec. 671-115. Procedure.
(a) As used in this section, the term "final account" shall have the following meaning: a closed account for which sewer service is no longer being provided to the named customer at that service location.
(b) The department shall prepare a semiannual schedule of sewer user final accounts which it has determined to be uncollectible. The schedule shall consist of the following:
(1) a. For bills becoming due prior to July 1, 1988, a certified list of all sewer user final accounts for which the outstanding fees and penalties together are twenty-five dollars ($25.00) or less and which are at least one hundred twenty (120) days delinquent and which the department has determined to be uncollectible;
b. For bills becoming due after July 1, 1988, a certified list of all sewer user final accounts for which the fees and penalties together are twenty-five dollars ($25.00) or less and which are at least one hundred twenty (120) days delinquent and which are not subject to liening under IC 36-9-23-31 through IC 36-9-25-11 and which the department has determined to be uncollectible;
(2) A statement setting forth the efforts that have been made to collect such accounts and a statement that all such efforts have been unsuccessful;
(3) A statement, including the reasons therefor, that the department believes it is economically not feasible to pursue collection measures on such accounts.
(c) The semiannual schedule shall be submitted to the board of public works, which by resolution may declare accounts listed in the schedule as uncollectible and may authorize the department to cease further collection procedures and expense the amounts outstanding on the accounts as bad debts.

(d) The semiannual schedule prepared by the department and the resolution adopted by the board shall be forwarded to the city-county council for final approval. A sewer user account may be deemed uncollectible only if the council shall approve the board's resolution.
(G.O. 27, 1991, § 3)

Secs. 671-116--671-119. Reserved.

ARTICLE V. PRIVATE DISPOSAL FACILITIES

Sec. 671-120. Conformity with this article required.
Except as provided in this article, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.
(G.O. 27, 1991, § 3)

Sec. 671-121. When use required.
Where a public sanitary or combined sewer is not available under the provisions of this chapter, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.
(G.O. 27, 1991, § 3)

Sec. 671-122. Permit required; fee.
Before the commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit therefor signed by the director. The application for the permit shall be made on a form furnished by the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the director. A permit and inspection fee of one hundred dollars ($100.00) shall be paid to the city at the time the application is filed.
(G.O. 27, 1991, § 3)

Sec. 671-123. Approval of the director required; inspections.
A permit for a private wastewater disposal system as required by this article shall not become final until the installation is completed to the satisfaction of the director; he/she shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the director when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the director.
(G.O. 27, 1991, § 3)

Sec. 671-124. Conformity with health regulations required.
The type, capacities, location and layout of a private sewage disposal system shall comply with all regulations of the ISBH and of the Marion County health department. No septic tank or cesspool shall be permitted to discharge into any natural outlet in any circumstance.
(G.O. 27, 1991, § 3)

Sec. 671-125. Authority of health department not impaired.
Nothing contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Marion County health department.
(G.O. 27, 1991, § 3)

Sec. 671-126. Maintenance.
The owner of private wastewater disposal facilities shall operate and maintain such facilities in a sanitary manner at all times, at no expense to the city.
(G.O. 27, 1991, § 3)

Sec. 671-127. Abandonment of facilities.
When a private wastewater disposal system is abandoned, any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with clean bankrun gravel or dirt.
(G.O. 27, 1991, § 3)

ARTICLE VI. WASTEWATER HAULING*

*Cross reference(s)--Traffic, ch. 441; motor vehicles, ch. 611.

Sec. 671-128. Definitions.

For the purposes of this article, the following definitions shall apply:

Commercial wastewater shall mean the liquid or liquid-borne wastes from commercial establishments including, but not limited to, restaurants, dry cleaners, service stations or auto repair facilities and retail establishments or public or private nonresidential buildings; and shall include any grease, oil, solvents, sludge or other material removed from any sewage disposal system or wastewater treatment plant.

Domestic wastewater shall mean the liquid-borne wastes resulting from normal residential water-consuming activities including, but not limited to, disposal.

Industrial wastewater shall mean the liquid or liquid-borne waste from industrial manufacturing process, trades or businesses.

Land application shall mean the process of disposing of wastewater by burial or incorporation into the soil.

Sewage disposal system shall mean and include septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units and other equipment, facilities or other devices used to store, treat, render inoffensive or dispose of human excrement or liquid-borne wastewater.

Tank shall mean any container when placed on a vehicle to transport wastewater.

Vehicle shall mean that device used to transport a tank.

Wastewater hauler shall mean any person who engages in the activity, service, business or leasing of vehicles for the purpose of transporting domestic wastewater to another location for disposal.

G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Cross reference(s)--Definitions generally, ch. 102.

Sec. 671-129. Wastewater hauler criteria.

Any wastewater hauler whose legal business address is in Marion County or any wastewater hauler whose legal business address is outside Marion County but who engages in business in Marion County must comply with all of the following provisions of this article.

(G.O. 27, 1991, § 3)

Sec. 671-130. Registration.

(a) Any wastewater hauler as defined in section 671-129 must be registered with and receive a permit from the department and must display a valid decal issued by the department in the lower corner of the driver's side windshield of each vehicle. The charge for the permit and decal for each vehicle shall be established by rule or regulation of the board. Such charge shall be due and payable at the time of filing. Such charges may be revised by the board no more than once each calendar year in accordance with Chapter 261 of this Code.

(b) Each wastewater hauler shall update his/her permit application as required by the director and shall include the following information:

(1) Proof of ownership of each vehicle, including owner's name and legal address.

(2) Proof of a current valid ISBH permit.

(3) Proof of insurance as specified in subsection (d) of this section.

(4) The wastewater hauler's legal address and legal business address, type of business, i.e., domestic and/or industrial wastewater hauler.

(5) The number of wastewater hauling vehicles, tank capacity in gallons of each vehicle, and license and vehicle identification numbers of all vehicles.

(6) Any other information as may be deemed by the director to be necessary to evaluate the wastewater hauler's permit.

(c) Each vehicle shall be equipped with an entry port, which allows sampling of the contents of the tank from top to bottom by department personnel. This port shall have a minimum diameter of six (6) inches and shall be tightly secured to prevent leakage. Each vehicle must have the company name, address, telephone number, capacity in gallons, displayed in a manner similar to that required by the ISBH.

(d) Each wastewater hauler shall be insured in an amount set forth by rule or regulation of the board. The insurance coverage shall cover all work performed by the wastewater hauler while transporting and discharging wastewater and shall include, but not be limited to, liability arising out of disposal of any hazardous waste, spilled material on public property, and fines or any other costs incurred by the city as a result of the wastewater hauler's activities. The city shall be named as an additional insured. A certificate of such policies shall be delivered to the department prior to commencement of hauling. The insurance carrier shall give notice to the city at least thirty (30) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation.

Wastewater haulers permitted at the time of the effective date of this provision shall submit proof of adequate insurance coverage with the next permit application or upon expiration of their bond, whichever is sooner. Potential wastewater haulers applying for a permit subsequent to the effective date of this provision shall secure the proper insurance coverage at the time of filing.

(e) After the application has been received and reviewed by the director, and has been determined to satisfy the conditions above, a permit and decal for each vehicle shall be issued for a period not to exceed five (5) years from date of issuance. The director may prescribe additional permit conditions, including but not limited to:

(1) Approved charges and fees;

(2) Limits on the wastewater characteristics;

(3) Restrictions on the times and days of discharge;

(4) Requirements for the completion, submittal and retention of customer receipts and other documents and reports related to wastewater hauling;

(5) Type of wastewater allowed to be hauled and disposed of at POTW;

(6) Location of approved discharge sites;

(7) Any other condition as deemed appropriate by the director to assure compliance with this chapter.

(f) A wastewater hauler's permit is issued to a specific person at a specific location and does not constitute a property interest nor shall the permit be assigned, conveyed or sold to a new owner, different premises or new or changed operation.

(G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Sec. 671-131. Discharging procedures.

(a) All discharging of wastewater from the wastewater hauler's vehicle tanks must be done at designated sites approved by the department. The department shall have the right to limit the hours of the day and the days of the week during which discharging shall be allowed.

(b) Any unpermitted discharging of wastewater into the POTW at any location under the jurisdiction of the department is prohibited unless approved by the department prior to discharging.

(c) Any disposal of wastewater by land application must be approved by the department. Written permission of the owner of the property used for disposal and written approval by the ISBH and IDEM must be submitted to the department before any approval may be granted and prior to discharging any wastewater.

(d) The wastewater hauler shall be responsible for the cleanup to the satisfaction of the director for any and all spills on city streets, rights-of-way and property.

(e) The director may require any wastewater hauler to correct any defective equipment including hoses, valves, tanks, piping and permanent or flexible connections which may result in the leakage or spilling of wastewater from the vehicle. Defective equipment shall be repaired before the wastewater hauler is allowed to discharge at the site designated by the department.

(f) Any disposal of wastewater into the POTW must be performed by a wastewater hauler having the permit described in section 671-130(a). Disposal of domestic wastewater or restaurant grease trap waste generated inside or outside Marion County requires no further approval. A wastewater hauler disposing of industrial or commercial wastewater generated inside or outside Marion County must obtain special approval as specified by the department.

(G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Sec. 671-132. Testing requirements.

(a) The contents of all wastewater haulers' vehicles are subject to preliminary sampling and testing by the department before discharging into the approved site at the department's wastewater treatment facility. The test results on any sample must be within a specified range for the specific test parameters established by the department in order not to inhibit the performance of the wastewater treatment plant into which the wastewater is discharged.

(b) Any wastewater hauler's tank contents that do not pass the preliminary testing procedures will be subject to additional specific testing to determine the nature of the contents. If the contents of the tank are deemed by the department to be an inhibitory substance, and unsatisfactory for discharging into the wastewater treatment plant, the wastewater hauler must arrange for proper disposal of the tank contents and submit to the director proof, by affidavit and receipt, of proper disposal. Until the director has determined that the conditions of proof have been satisfied, the wastewater hauler is prohibited from using all designated disposal sites approved by the department.

(c) The department shall notify the ISBH of the status of any wastewater hauler whose tank contents are determined to be unsatisfactory for discharging into a designated disposal site approved by the department.

(d) The director may refuse to accept any wastewater if, after testing, it is deemed unsatisfactory for discharge into the wastewater treatment plant.

(e) The wastewater hauler shall reimburse the department for all costs associated with the treatment, testing and disposal of any prohibited wastes.
(G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Sec. 671-133. Administration procedures.
(a) All wastewater haulers shall maintain accurate business records pertaining to wastewater hauling, available to the director, EPA, IDEM and ISBH upon request, including names, addresses, and telephone numbers of the generators of all wastewater being transported and/or disposed of, county of origin, type of waste, volume of waste, and disposal site, customer receipts required under subsection (b) of this section, and approvals, permits and certifications issued by federal, state and local authorities. All records required to be retained under this article shall be retained for a minimum of three (3) years.
(b) The driver of each vehicle delivered to the wastewater treatment plant site for discharging shall have dated customer receipts for each source of wastewater showing the names and addresses of the customers, the nature of the wastewater, amount of wastewater in gallons, wastewater hauler's name and legal business address and telephone number, and vehicle driver's name.
(c) All wastewater haulers shall compensate the department for the full cost of all sampling, laboratory analysis and treatment costs. Fees shall reflect the costs associated with sampling and testing, treatment and administering the program and shall be based on a fee schedule published by the department.
(d) Whenever required to carry out the objectives of this article relating to the control of the discharging of wastewater or the collection of dump fees, the director shall have a right of entry to, upon or through any premises for purposes of inspection, measuring and sampling. This right of entry shall include, but not be limited to, any equipment necessary to conduct such inspections, measuring and sampling. It shall be the duty of the wastewater hauler to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the inspection, measuring and sampling. The right of entry shall exist at any time.
(G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Sec. 671-134. Enforcement.
(a) Any person who fails to comply with any provision of this article may be fined not more than two thousand five hundred dollars ($2,500.00) for each offense. A violation of a permit issued under this article or a special agreement entered into under the authority of this article shall constitute a violation of this article. Each violation of this article shall constitute a separate offense. In addition, the department shall be entitled to all reasonable expenses including court costs and attorney fees.
(b) Nothing in this article shall restrict any right which may be provided by statute or common law to the city to bring other actions, at law or in equity, including injunctive relief.
(G.O. 27, 1991, § 3; G.O. 22, 1995, § 4)

Sec. 671-135. Permit revocation.
(a) The director may revoke, suspend or modify the permit for any of the following reasons:
(1) A violation of any provision of this article or of any applicable state or federal statute or regulation related to wastewater hauling;
(2) Failure to report the characteristics of any load, including the furnishing of false information or misrepresentation of any material fact related to wastewater hauling;
(3) Refusal of reasonable access to the wastewater hauler's premises for the purpose of inspecting records, inspection, sampling or monitoring;
(4) Noncompliance with any condition of the permit or special agreement entered into under the authority of this article.
(b) The director shall send written notice of facts underlying the proposed revocation, suspension or modification to the wastewater hauler.
(c) The director shall grant a hearing upon the receipt of the wastewater hauler's written request made within fifteen (15) days of the notice of revocation. The director shall hold the hearing within ten (10) days of the receipt of the written request. If the wastewater hauler does not request a hearing as provided by this article, the revocation, suspension or modification shall be effective upon the date of the notice.
(d) At the hearing, the wastewater hauler may present any evidence which the director finds relevant and material to the issues underlying the proposed revocation, suspension or modification. Based on the evidence presented at the hearing, the director shall make a written determination either revoking, suspending, modifying or reinstating the permit.
(e) If the wastewater hauler objects to the decision made by the director, the wastewater hauler shall be entitled to a hearing before the board of public works upon such objection. The wastewater hauler shall file a written statement of his objections with the director, who shall call the same to the attention of the board. The appeal shall be scheduled before the board within thirty (30) days after such objections are filed with the director. Notice shall be given to the wastewater hauler identifying the time, place and date of the appeal

hearing at least ten (10) days prior to the scheduled date. The board may hear any evidence it finds relevant. After the hearing, the board may confirm, reverse or modify the decision of the director. The order of the board shall be final. Such order shall be made within ten (10) days after the hearing and shall be in writing and sent to the wastewater hauler.
(G.O. 22, 1995, § 4)

Secs. 671-136--671-149. Reserved.

ARTICLE VII. SANITARY SEWER CONSTRUCTION PERMITS

Sec. 671-150. Purpose and territorial application.
(a) The purpose of this article is to protect the safety, health and general welfare of the citizens of Indianapolis by requiring compliance with standards and practices which will result in proper sanitary sewer and sanitary sewer lift station design and construction in the Indianapolis sanitary district.
(b) The provisions of this chapter shall be applicable throughout the Indianapolis sanitary district including areas outside of such district where agreements are executed to provide sanitary sewer service.
(G.O. 27, 1991, § 3)

Sec. 671-151. Requirements for construction permits; enforcement.
(a) It shall be unlawful to cause or allow the construction or modification of any sanitary sewer or sanitary sewer lift station without first obtaining a valid construction permit issued by the department and the Indiana Department of Environmental Management; provided, however, a sanitary sewer construction permit shall not be required for maintenance work performed by or on behalf of the department.
(b) The department may deny permits to any applicant who is currently in violation of this chapter or any applicable regulations.
(c) A violation of this section is subject to the enforcement procedures and penalties provided in section 103-3 of this Code; provided, however, the fine imposed for such violation shall not be less than one hundred dollars ($100.00), and each day that an offense continues shall constitute a separate violation. The city controller shall cause any fines collected under this section to be deposited into an account for the use and benefit of the department.
(G.O. 27, 1991, § 3; G.O. 168, 1999, § 23)

Sec. 671-152. Application procedures; design plans and specifications.
(a) Applications shall be submitted in accordance with procedures established by the department and revised from time to time. Design plans and specifications for the construction of sanitary sewers shall be developed by or under the direction of a professional engineer registered in accordance with IC 25-31-1 and shall have a title sheet which includes the professional engineer's seal and signature. The approval of design plans and specifications by the department under this article shall be valid for a period of one (1) year from the date such approval was granted, or until the construction permit for which the design plans and specifications were submitted is issued, whichever occurs first. However, prior to the issuance of the construction permit, if there are any material changes to approved design plans and specifications, or circumstances which cause the design plans and specifications to be inaccurate or incomplete, then new or corrected design plans and specifications shall be submitted to the department as a precondition for obtaining a construction permit.
(b) An application fee shall be submitted to cover the cost of plan review. The board of capital asset management shall establish the amount of such fee by regulation and may revise the amount of such fee but not more often than once each calendar year. The application fee paid under this article shall not be refunded except upon request and in instances where the permit was issued in error, either because it was not required by law, or because a permit for the same activity previously had been issued and was in force at the time the second permit was applied for and issued.
(c) Applications for construction permits shall be submitted at least sixty (60) days in advance of the proposed start of construction, provided, however, that a shorter time period may be approved by the director.
(d) Applications shall include a certificate of sufficiency of plan filed by a professional engineer registered in accordance with IC 25-31-1.
(e) The director may, as a prerequisite to the issuance of a construction permit, require developers, wherever applicable, to send written notification to property owners whose properties abut the route of the proposed sewer.
(f) Applications shall include any additional information deemed necessary by the director to carry out the provisions of this chapter.

(G.O. 27, 1991, § 3; G.O. 51, 1996, § 2; G.O. 168, 1999, § 23)

Sec. 671-153. Capacity and depth maintained.

Sewer lines that are to be extended shall have the same hydraulic capacity and be constructed on the same grade line as the existing sewers unless the department determines that a reduction of capacity is justified. Sewers shall be sized with capacity for the contiguous service area which is defined as the undeveloped and/or unsewered land capable of a gravity connection to the proposed sanitary sewer or lift station, unless it is shown that such contiguous area may be equally served by an alternate existing sewer.
(G.O. 27, 1991, § 3)

Sec. 671-154. Economic analysis for lift stations.

A construction permit shall not be issued for a sanitary sewer lift station until an economic analysis identifies to the satisfaction of the department that the lift station exhibits a lower fifty-year life cycle cost than a gravity sewer, both of which shall be sized to serve the service area as described in section 671-153.
(G.O. 27, 1991, § 3)

Sec. 671-155. Right to limit sewer capacity.

Except to the extent that it may be preempted by state or federal laws, rules or regulations, the department may deny the issuance of a construction permit if it is demonstrated that there is insufficient dry or wet weather capacity in any or all downstream sewers, lift stations, force mains and treatment plants, including capacity for pollutants, to accommodate the waste load expected to be generated as a result of the proposed development.
(G.O. 27, 1991, § 3)

Sec. 671-156. Posting of bond.

(a) The director may, as a prerequisite to the issuance of a construction permit, require the posting of a performance bond from a company licensed by the State of Indiana to provide such surety. Such bond shall be equal to one hundred (100) percent of the contract amount or an amount established by the director to provide surety for the satisfactory completion of the improvements required by the construction permit and shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder. Such bond may be a part of the total bonding required by the plats committee of the metropolitan development commission.

(b) The director may as a prerequisite to acceptance of a sanitary sewer or lift station require the posting of a maintenance bond in an amount not to exceed twenty (20) percent of the contract amount or, subject to the approval by the director, provision for maintenance for a period of three (3) years from the date of acceptance by the department. Such bond shall name the City of Indianapolis and County of Marion as parties who can enforce the obligations thereunder.

(c) In instances where the director has required a bond pursuant to this section, the director may as an alternative to the posting of such bond accept other appropriate security, such as a properly conditioned irrevocable letter of credit, which meets the same objectives as the bonds described in this section, subject to approval of any other department or agency whose interests are protected by the same bonding requirement.

(d) If the surety on any bond furnished to the department becomes a party to a supervision, liquidation, rehabilitation action pursuant to IC 27-9 et seq., or its right to do business in the state is terminated, it shall be required that, within thirty (30) days thereafter, a substitute bond and surety be provided, both of which must be acceptable to the city. Failure to obtain a substitute bond within the stated time frame shall be cause for revocation or suspension of the construction permit until such time that the bond is furnished to the department.
(G.O. 27, 1991, § 3)

Sec. 671-157. Execution of covenant.

(a) The director may, as a prerequisite to the issuance of a construction permit, require the execution of covenants and/or easements running in form to the City of Indianapolis and County of Marion by the owner or owners of such parcel. As a minimum in such cases, the director shall require that the following covenant be executed by the owner or owners of such parcel which shall be included in a recorded plat:

It shall be the responsibility of the owner of any lot or parcel of land within the area of this plat to comply at all times with the provisions of the sanitary sewer construction plan approved by the department of public works and the requirements of all sanitary sewer construction permits for this plan issued by said department.

Owner further covenants that no building, structure, tree or other obstruction shall be erected, maintained, or allowed to continue on the portion of the owner's real estate in which the easement and right-of-way are granted without express written permission from the department. Such permission, when duly recorded, shall run with the real estate. The department and its agents shall have the right to ingress and egress, for

temporary periods only, over the owner's real estate adjoining said easement and right-of-way, when necessary to construct, repair or maintain sanitary sewer facilities.

(b) Any person who violates a covenant required under this section, and/or the owner of any parcel of land who permits such a violation, who is notified in writing by the department of public works or department of metropolitan development that a violation exists, shall be given a reasonable period of time, not to exceed thirty (30) days, in which to correct such violation. The notice shall specify the nature of the violation and shall stipulate a required correction date.

(G.O. 27, 1991, § 3; G.O. 22, 1995, § 5)

Sec. 671-158. Dedication of easement.

Whenever possible, sanitary sewers shall be constructed in the public right-of-way. When sewers are proposed to be constructed in easements and when unsewered or undeveloped property adjoins the applicant's property, the applicant may be required to extend the sewer and/or an easement dedicated to the department or its assignee, to the upstream property line. Such easements shall be accessible to vehicular traffic. Easements along public rights-of-way shall be contiguous with such rights-of-way.

(G.O. 27, 1991, § 3)

Sec. 671-159. Expiration of construction permit by operation of law; extensions; certificate of completion and compliance.

(a) If construction activity has not been commenced within one hundred eighty (180) days from the date of issuance of the sanitary sewer construction permit, the permit shall expire by operation of law and shall no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow commencement of the construction activity. In no event shall the extension exceed a period of sixty (60) days.

(b) If the construction activity has been commenced but only partially completed, and thereafter substantially no construction activity occurs on the construction site over a period of six (6) months, the permit shall expire by operation of law and no longer be of any force or effect; provided, however, the director may, for good cause shown in writing, extend the validity of any such permit for an additional period which is reasonable under the circumstances to allow resumption of construction activity.

(c) The fee for an extension granted under this section shall be thirty dollars ($30.00), and the extension shall be confirmed in writing.

(d) Within fourteen (14) days after satisfactory completion of tests on the sanitary sewer or lift station for which a construction permit was obtained, the professional engineer contracted in accordance with section 671-160 shall execute and file with the department a certificate of completion and compliance, in a form prescribed by the department.

(G.O. 27, 1991, § 3; G.O. 168, 1999, § 24)

Sec. 671-160. Inspection of construction of sanitary sewers.

(a) Execution of inspection agreement. Prior to the commencement of construction, the applicant shall execute an agreement with the department which will provide that:

(1) The department will contract for construction inspection services to ensure that such construction meets the requirements of the approved construction plans.

(2) The contracted engineer will be responsible for submitting and certifying air pressure or infiltration test results for all pipe and deflection test results for all flexible pipe.

(3) The applicant will reimburse the department for the cost of such inspection services, which shall be determined at the time of execution of the agreement and verified by the applicant or his representative throughout construction.

(4) Upon completion of construction, the contracted engineer shall execute and file with the department a certificate of completion and compliance certifying to the department and the applicant as to the compliance of such construction with the requirements of the approved construction plans and/or approved change orders.

(5) No action with regard to the acceptance of the construction and release of the improvement bond pursuant to this article shall be taken until the applicant has reimbursed the department in full for the inspection services.

(b) Inspection of construction:

(1) All construction of sanitary sewers intended for dedication to the city shall be inspected and certified pursuant to the agreement executed under subsection (a).

(2) The applicant shall furnish the department necessary copies of the approved construction plans.

(3) If construction has already commenced on the effective date of General Ordinance No. 63, 1987, adopted July 20, 1987, the applicant must then furnish, along with a written request for acceptance, a certification by a professional engineer registered in the State of Indiana that the construction has met the

requirements of the approved construction plans; further, the construction will be inspected by the department, and all deficiencies shall be corrected prior to acceptance by the department.
(G.O. 27, 1991, § 3)

Sec. 671-161. Requirements for project acceptance and dedication to the city.
Sanitary sewers and lift stations will not be accepted and building sewer connection permits shall not be issued until all documents, as required by the department's standard specifications, are submitted to the department, including the following:
(1) Maintenance bond as required in section 671-156(b);
(2) Recorded covenant and easement documents as required in sections 671-157 and 671-158;
(3) Certificate of completion and compliance as required in section 671-159(d);
(4) The completion of a final inspection as required in section 671-160 which confirms that the sewer has been constructed and tested in accordance with the department's standard specifications; and
(5) Sanitary sewer record ("as built") drawings in accordance with the department's standards which shall be stamped and signed by a land surveyor registered in accordance with IC 25-31-1.
(G.O. 27, 1991, § 3; G.O. 168, 1999, § 25)

Sec. 671-162. Dedication and rehabilitation of existing sewers.
The owner of a sanitary sewer may apply to the department for dedication of the sewer, providing that the application is made in writing.
Dedication of such sewer may be subject to the requirements outlined in sections 671-160(b) and 671-161 of this article and further, at the discretion of the director, may require the following:
(1) Proof of legal ownership;
(2) Flow monitoring results;
(3) Television results;
(4) Any other requirements as may be deemed reasonable and necessary by the director.
In addition, the owner may, at his expense, be required to correct any deficiencies or remove any sources of clear water found as a result of any inspection, flow monitoring, television and/or other related testing.
(G.O. 27, 1991, § 3)

Sec. 671-163. General authority for investigations and inspections.
(a) The power to make investigations and inspection of sanitary sewer and/or lift station construction shall be vested in the director and his authorized representatives.
(b) Investigation and inspection of sanitary sewer and/or lift station construction may be made at any time by going upon, around or about the affected property.
(c) Such investigation and inspection may be made either before, during or after the construction is completed and shall be made for the purpose of determining whether the construction has been accomplished in a manner consistent with the approved plans and specifications and the minimum requirements of the department.
(d) Persons working on or having control of the construction shall cooperate fully with the inspectors and shall have available a copy of the approved plans and specifications used to obtain the construction permit.
(G.O. 27, 1991, § 3)

Sec. 671-164. Variance procedure.
(a) The director or, in his absence, a representative of the department designated by the director shall have the power to modify or waive any minimum sanitary sewer design standard found in Article VII of this chapter or any regulations promulgated by the board of public works pursuant to Article VII of this chapter. The director or his designee may grant such a modification or waiver if an applicant for a construction permit submits the request in writing and makes a substantial showing:
(1) That a minimum sanitary sewer design standard or regulation is unfeasible or unreasonably burdensome; and
(2) That an alternate plan submitted by the applicant will achieve the same objective and purpose as compliance with minimum sewer design standards and regulations of the department.
(b) If the director or his designee shall fail to respond to such request for variance within twenty (20) days from such written request, it shall be deemed to be denied.
(c) An applicant may appeal to the board of public works the decision of the director or his designee denying or partially approving a requested variance. The appeal of such a decision shall be filed with the board within twenty (20) days of the decision. The board shall hear the request for the variance de novo and in making a decision shall apply the standards set forth above.
(G.O. 27, 1991, § 3)

Sec. 671-165. Plan review fee.

Application fees are intended to compensate for the cost of the examination of detailed plans and specifications to determine consistency with the department's standards and specifications. Issuance of a construction permit relative to plans which do not comply with the department's minimum requirements shall not relieve the applicant of the responsibility of complying with all department standards and specifications.
(G.O. 27, 1991, § 3)

Sec. 671-166. Exemption relative to sewer construction activity accomplished by and for certain governmental units.

Construction permits shall be obtained for sanitary sewer construction accomplished by or for a governmental unit, and inspections as specified in this chapter shall be required. Fees shall be required as specified in sections 671-160 and 671-152 except for the following:

(1) Sanitary sewer construction for which a fee cannot be charged by the municipality because of federal or state law; or

(2) Sanitary sewer construction accomplished by a unit of local government, or by its employee or contractor in the course of such employee's or contractor's performance of duties for a unit of local government.

(G.O. 27, 1991, § 3; G.O. 168, 1999, § 26)

Sec. 671-167. Notice of change in permit information; amendment of permits and plans.

(a) After a permit has been issued, the permittee shall give prompt written notice to the director of any addition to or change in the information contained in the permit application.

(b) After a permit has been issued, any material deviation or change in the information contained in the permit application or the design plans and specifications shall be considered an amendment subject to approval by the director. Prior to the time construction activity involving the change occurs, the permittee shall file with the director a written request for amendment, including a detailed statement of the requested change and the submission of any amended plans.

(c) The director shall give the permittee written notice that the request for amendment has been approved or denied, and if approved, copies of the amended application or plans shall be attached to the original application or plans. A fee for the amendment of a permit shall be thirty dollars ($30.00). Reinspection fees, and other fees which are occasioned by the amendment shall be assessed and paid in the same manner as for original permits or plans.

(G.O. 168, 1999, § 26)

Editor's note--Formerly § 671-168. See the Code Comparative Table.

Sec. 671-168. Stop-work order; revocation of permits.

(a) The director is empowered to issue an order requiring suspension of work ("stop-work order") whenever the director determines that:

(1) Construction is proceeding in an unsafe manner; or

(2) Construction is occurring in violation of the department's standard specifications and requirements and in such a manner that, if construction is allowed to proceed, there is a probability that it will be substantially difficult to correct the violation; or

(3) Construction activity is proceeding in a manner which is materially different from the application, design plans or specifications; or

(4) Sewer construction for which a construction permit is required is proceeding without a construction permit being in force. In such an instance, the stop-work order shall indicate that the effect of the order terminates when the required permit is obtained.

The stop-work order shall be in writing and shall state to what construction it is applicable and the reason for its issuance. One (1) copy of the stop-work order shall be posted on the property in a conspicuous place, and one (1) copy shall be delivered to the permit applicant, to the person doing the construction and to the owner of the property or his agent. The stop-work order shall state the conditions under which construction may be resumed.

(b) The director may revoke a sanitary sewer construction permit when:

(1) The application, design plans or specifications contain a false statement or misrepresentation as to a material fact; or

(2) The application, design plans or specifications reflect a lack of compliance with the requirements of this article.

(c) The sanctions provided in this section shall in no way limit the operation of penalties provided elsewhere in this chapter.

(G.O. 27, 1991, § 3; G.O. 168, 1999, § 26)

Editor's note--G.O. 168, 1999, § 26, passed by the city-county council on Dec. 13, 1999, added provisions as § 671-167 and renumbered former § 671-167 as 671-168. Section 27 of G.O. 168, 1999 repealed former § 671-168, relative to penalties. See the Code Comparative Table.

Sec. 671-169. Appeals.

Any person affected by authority delegated by this article to any official of the department and who objects to the decision made or the action taken by such official shall be entitled to a hearing before the board of public works upon such objection. The person desiring such a hearing shall file a written statement of his objections with the director, who shall call the same to the attention of the board. The appeal shall be scheduled before the board within thirty (30) days after such objections are filed with the director. Notice shall be given to the objector identifying the time, place and date of the appeal at least ten (10) days prior to the scheduled date.

After hearing testimony of the objector and the official who made the decision or took the action objected to, the board may confirm, reverse or modify such decision or action. The order of the board shall be final. Within ten (10) days of the board's decision a written notice shall be given to the objector confirming such decision.

(G.O. 27, 1991, § 3)

Sec. 671-170. Transfer of permit.

(a) A sanitary sewer construction permit may be transferred with the approval of the director to a person, partnership or corporation which would be eligible to obtain such construction permit in the first instance (hereinafter called "transferee"), after both the payment of a fee of thirty dollars ($30.00) and the execution and filing of a form furnished by the department. Such transfer form shall contain, in substance, the following certifications, release and agreement:

(1) The person who obtained the original construction permit or a person who is employed by and authorized to act for the obtainer (hereinafter called "transferor") shall:

a. Certify under penalties for perjury that such person is familiar with the sanitary sewer construction activity accomplished pursuant to the construction permit; such person is familiar with the construction standards and procedures provided in this article; and to the best of such person's knowledge, information and belief the construction activity, to the extent performed, is in conformity with all standards and procedures provided in this article; and

b. Sign a statement releasing all rights and privileges secured under the construction permit to the transferee.

(2) The transferee shall:

a. Certify that the transferee is familiar with the information contained in the original construction permit application, the design plans and specifications, and any other documents filed in support of the application for the original construction permit;

b. Certify that the transferee is familiar with the present condition of the premises on which the construction activity is to be accomplished pursuant to the construction permit; and

c. Agree to adopt and be bound by the information contained in the original application for the construction permit, the design plans and specifications, and other documents supporting the original construction permit application; or in the alternative, agree to be bound by such application plans and documents modified by plan amendments submitted to the director for approval.

(b) The transferee shall assume the responsibilities and obligations of and shall comply with the same procedures required of the transferor (including, but not being limited to, the requirement of section 671-159 that a certificate of completion and compliance be executed and filed) and shall be subject to any written orders issued by the director.

(c) A permit for construction activity at a specified location may not be transferred to construction activity at another location.

(G.O. 168, 1999, § 28)

ARTICLE VIII. CITY SEWER CONSTRUCTION; PRO RATA COST SHARING

Sec. 671-801. Purpose and policy.

Consistent with the objectives of this chapter, including protecting public health and providing for a sound sanitary sewer infrastructure system, the department is authorized to construct sanitary sewers which are suitable for use by a local area abutting or adjoining the sewers, and the department is authorized to charge property owners in the local area abutting or adjoining the sewers a fee for connecting to such sewers. Pursuant to IC 36-9-23-29, the connection fee shall be a pro rata portion of the department's cost of constructing the sewer.

(G.O. 58, 1999, § 1)

Sec. 671-802. Definitions.

(a) Pro rata sewer shall mean a sanitary sewer constructed by the department in accordance with IC 36-9-23-29 and this article.

(b) Cost of construction shall mean all reasonable costs associated with construction, including materials, labor, design, inspection, property acquisition and finance costs.

(c) Construction shall mean the original building of the sanitary sewer and shall also mean:

(1) Construction work directly related to the original sanitary sewer which increases the capacity of the original sanitary sewer; or

(2) Alteration of the original sanitary sewer which increases the capacity of the sanitary sewer.

(d) Department shall mean either the department of public works or the department of capital asset management, as applicable.

(e) All other terms as defined in section 671-2 of this chapter apply in this article.

(G.O. 58, 1999, § 1)

Sec. 671-803. Procedures; council approval as pro rata project.

(a) Upon request of the department, made prior to the commencement of any actual work on the proposed project, the city-county council by resolution shall approve or disapprove a department sewer construction project as a pro rata sewer project for which connection fees may be charged as set forth in this article. However, recognizing that the Franklin Township sanitary sewer and lift station projects are currently under construction, approval of the city-county council by resolution may be requested for those projects after commencement of actual work. Design, construction and property acquisition of the pro rata sewer shall comply with all applicable laws and regulations.

(b) Upon city-county council approval of a sewer construction project as a pro rata sewer project, the department shall record with the Marion County recorder a document and area map designating a fixed geographical area capable of being served by the pro rata sewer. This area shall be known as the designated recoupment area. The recorded document shall also set forth the obligation to pay a connection fee under this article and shall state how the connection fee is to be calculated for that pro rata sewer in sufficient detail so that a property owner can calculate with reasonable certainty the connection fee applicable to his property.

(c) The obligation to pay the connection fee does not apply to any property owner of abutting or adjoining property unless the document is recorded before the owner taps into or connects to the pro rata sewer.

(d) Any city-owned property capable of being served by the pro rata sewer shall be included in the designated recoupment area.

(e) When all areas in the designated recoupment area have paid to the department their pro rata share of construction of the sewer and/or when the department has received connection fees equal to its cost of constructing the pro rata sewer, the department shall record a release of the document.

(f) The department shall have the authority to approve requests for connection to the pro rata sewer and shall determine the amount of the connection fee as set forth in section 671-173.

(G.O. 58, 1999, § 1)

Sec. 671-804. Connection fee.

(a) No person shall cause or allow the connection of a building sewer or a local sanitary sewer to the pro rata sewer without first having paid to the department the connection fee established by this article.

(b) The connection fee shall be equal to the abutting or adjoining property's pro rata share of the cost of construction of the pro rata sewer, as determined in subsection (c).

(c) The pro rata share of the cost of construction shall be calculated based on either:

(1) The amount of the total peak design capacity, in million gallons per day, of the pro rata sewer allocated to the individual property's use at the time of connection; or

(2) The individual property area, measured in acres or square feet, compared to the total acreage or square feet in the designated recoupment area.

(d) If not paid prior to connection, the connection fee shall be a lien on the property for which the connection is made.

(G.O. 58, 1999, § 1)

Sec. 671-805. Use of connection fee.

The proceeds of connection fees collected by the department under this article shall be a part of the sanitation general fund and may be used as:

(1) Payment toward the cost of construction of the pro rata sewer; or

(2) Payment toward the cost of improving the pro rata sewer in the future.

(G.O. 58, 1999, § 1)